Increasing Access to Justice for All

INTEGRATED ANNUAL REPORT 2021-2022

Legal Aid South Africa

Your voice. For justice.

Independent and within reach.

SUSTAINABLE DEVELOPMENT GOAL 16

Peace, justice and strong institutions

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top EMPLOYER SOUTH AFRICA 2022
CERTIFIED EXCELLENCE IN EMPLOYEE CONDITIONS

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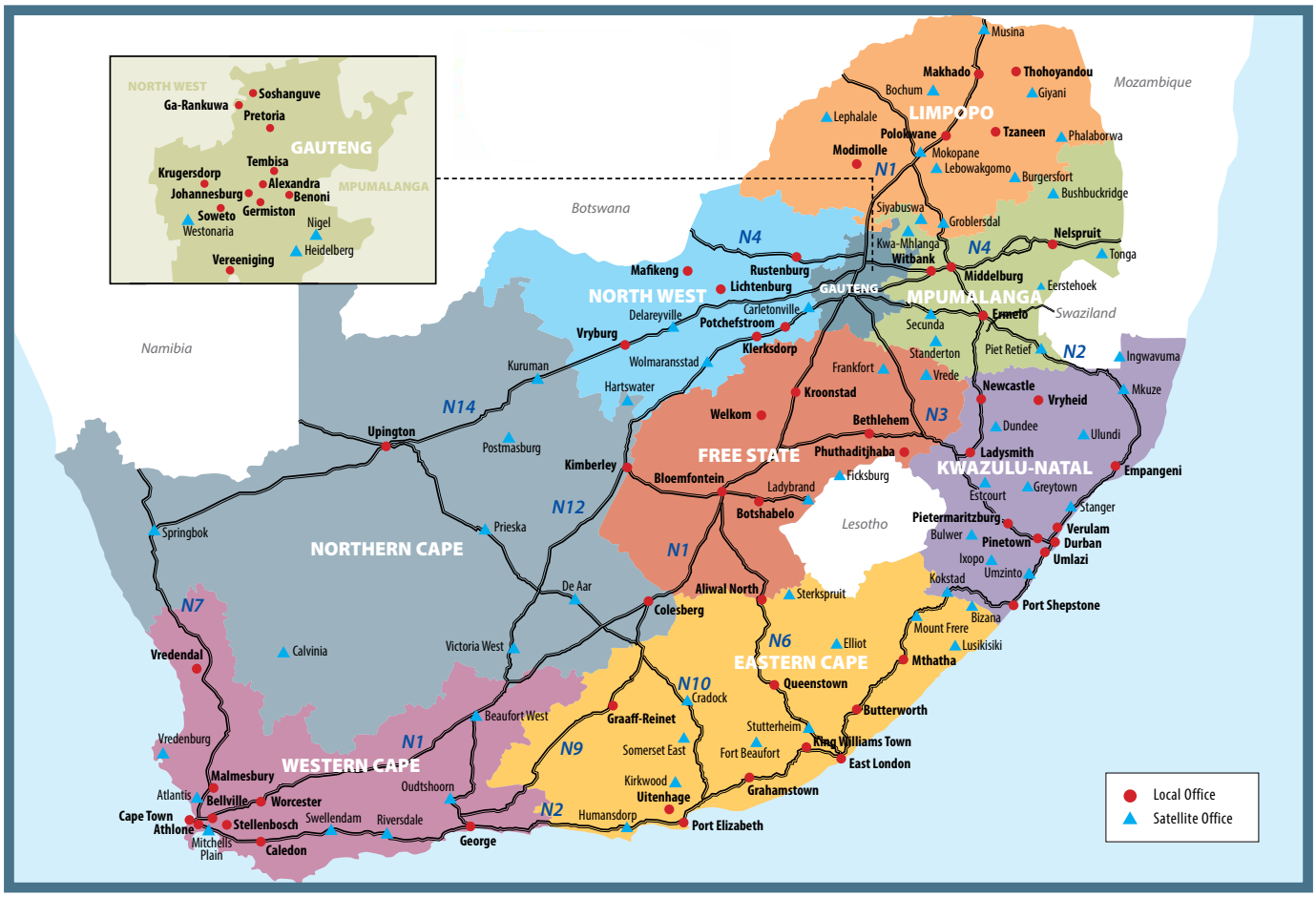
NATIONAL FOOTPRINT

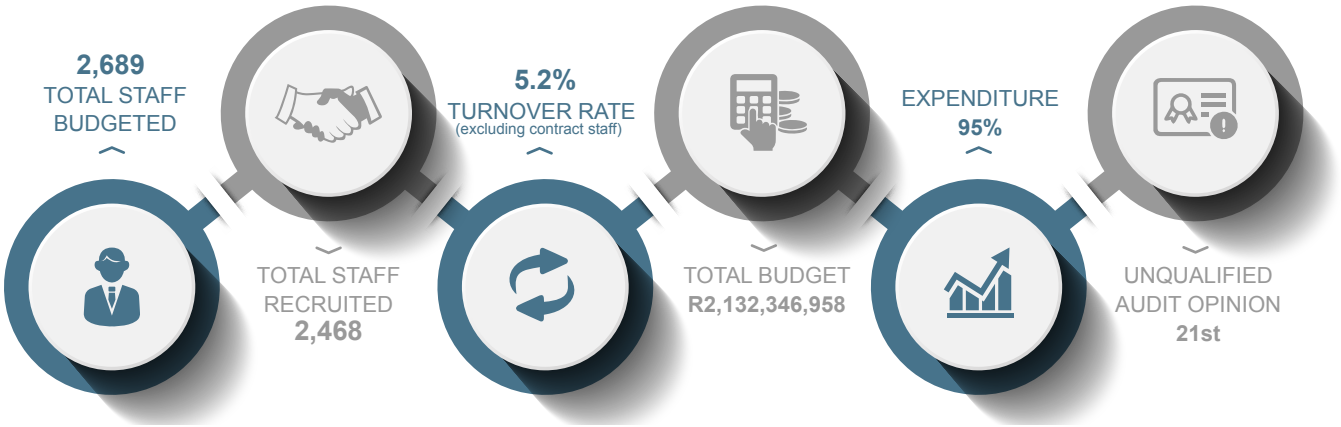


THE YEAR AT A GLANCE

LEGAL AID SA INFRASTRUCTURE

LEGAL SERVICES DELIVERY

PEOPLE DEVELOPMENT AND FINANCE



PART A
GENERAL INFORMATION

314,998 new criminal matters

487,552 people provided with legal aid in 2021-2022

40,143 new civil matters

132,411 people provided with legal advice

1. PUBLIC ENTITY'S GENERAL INFORMATION

REGISTERED NAME:	Legal Aid South Africa
PHYSICAL ADDRESS:	Legal Aid House 29 De Beer Street Braamfontein Johannesburg 2017 South Africa
POSTAL ADDRESS:	Private Bag X76 Braamfontein 2017
TELEPHONE NUMBER/S:	+27 11 877 2000
FAX NUMBER:	+27 11 877 2222
EMAIL ADDRESS	communications2@legal-aid.co.za
WEBSITE ADDRESS:	www.legal-aid.co.za
EXTERNAL AUDITORS:	Auditor-General South Africa 4 Daventry Road Lynnwood Bridge Office Park Lynnwood Manor Pretoria 0081
BANKERS:	First National Bank 92-94 Jorissen Street Braamfontein 2017
BOARD SECRETARY	Mr Langa Lethiba

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Table 1: List of Abbreviations/Acronyms

This is an alphabetical list of abbreviations and acronyms used. Whilst many are generic in nature, some are used specifically at Legal Aid South Africa.

AFS	Annual Financial Statements
A-G/AGSA	Auditor-General South Africa
APN	Access Point Network
APP	Annual Performance Plan
ATP	Annual Training Plan
ATR	Annual Training Report
BAC	Bid Adjudication Committee
BEE/B-BBEE	Black Economic Empowerment/Broad-based Black Economic Empowerment
BLA	Black Lawyers' Association
BS	Board Secretary
CA(s)	Candidate Attorney(s)
CAOSA	Community Advice Offices of South Africa
CARP	Capital Asset Replacement Programme
CAS	Crime Administration System
CBO/s	Community-based Organisation/s
CC	Constitutional Court
CCMC	Constitutional Case Management Committee
CE	Communication Executive
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CGE	Commission of Gender Equality
CJS	Criminal Justice System
CLE	Chief Legal Executive
COLI	Cost of Living Increase
COO	Chief Operations Officer
Co-op	Co-operation Partner
COVID-19	Coronavirus disease
CPD	Corporation for Public Deposits
CSD	Central Supplier Database
DALRRD	Department of Agriculture, Land Reform and Rural Development
DBI	Digital Brand Integration
DC	District Court
DoJ/DoJ & CD	Department of Justice and Constitutional Development
DPME	Department of Planning, Monitoring and Evaluation
EA	Executive Authority
EE	Employment Equity
eLAA	electronic Legal Aid Administration System
ESTA	Extension of Security of Tenure Act
EVP	Employee Value Proposition
EWP	Employee Wellness Programme
Exco	Executive Committee
FBO/s	Faith-based Organisation/s
FY	Financial Year

Table 1: List of Abbreviations/Acronyms (continued)

GBV	Gender-Based Violence
GBVF	Gender-Based Violence and Femicide
GRAP/SA Standards of GRAP	Generally Recognised Accounting Practice
HC	High Court
HCU	High Court Unit
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HoO	Head of Office
HR	Human Resources
HRE	Human Resources Executive
IA	Internal Audit
IAE	Internal Audit Executive
ICMS	Integrated Court Management System
ICT	Information and Communications Technology
IESBA	International Ethics Standards Board for Accountants
IIA	Institute of Internal Auditors
IJS	Integrated Justice System
IS	Information Systems
ISAs	International Standards on Auditing
ISCCJ	Intersectoral Committee for Child Justice
ISE	Information Systems Executive
ISSC	Information Systems Steering Committee
IT	Information Technology
JICS	Judicial Inspectorate of Correctional Services
King IV	King IV Code on Corporate Governance
KPI	Key Performance Indicator
LED	Light Emitting Diode
Legal Aid SA	Legal Aid South Africa
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex or Questioning
Local Office/LO/s	Legal Aid SA Local Office/s
LP/s	Legal Practitioner/s
LPC	Legal Practice Council
LQAU	Legal Quality Assurance Unit
LRMF	Land Rights Management Facility
LRMU	Land Rights Management Unit
LSM	Living Standards Measure
LSTC	Legal Services Technical Committee
LTA	Leave to Appeal
MARs	Matter Activity Reports
Mbps	Megabits per second
MoJ	Minister of Justice and Correctional Services
MOU	Memorandum of Understanding
MS	Microsoft
MTEC	Medium Term Expenditure Committee
MTEF	Medium Term Expenditure Framework
Nadel	National Association of Democratic Lawyers

Table 1: List of Abbreviations/Acronyms (continued)

NEEC	National Efficiency Enhancement Committee
NGO/s	Non-governmental Organisation
NPO/s	Non-profit Organisation
NOE	National Operations Executive
NT	National Treasury
PAA	Public Audit Act
PAIA	Promotion to Access to Information Act
PEEC	Provincial Efficiency Enhancement Committee
PFMA	Public Finance Management Act
PPPFA	Preferential Procurement Policy Framework Act
PPSA	Public Protector South Africa
PPU	Payment Processing Unit
PSCBC	Public Service Co-ordinating Bargaining Council
PwD	People with Disabilities
RC	Regional Court
RCSA	Risk Control Self Assessments
RD/s	Remand Detainee/s
SA	South Africa
SALAWU	South African Lawyers and Allied Workers Union
SALRC	South African Law Reform Commission
SANAC	South African National AIDS Council
SAPS	South African Police Service
SAPTU	South African Parastatal and Tertiary Institutions Union
SARS	South African Revenue Service
SASSETA	Safety and Security Sector Education and Training Authority
Satellite Office/SO/s	Legal Aid SA Satellite Office/s
SAWLA	South African Women Lawyers Association
SCA	Supreme Court of Appeals
SCCC	Specialised Commercial Crimes Court
SCM	Supply Chain Management
SDG/s	Sustainable Development Goals
SLU	Strategic Litigation Unit
SMS/es	Short Message Service/s
SOP/s	Standard Operating Procedure/s
UIF	Unemployment Insurance Fund
UN	United Nations
UPS	Uninterrupted Power Supply
VAT	Value-Added Tax
VPN	Virtual Private Network
VUCA	Volatile, Uncertain, Complex and Ambiguous
WAN	Wide Area Network
WSP	Workplace Skills Plan
YTD	Year to Date
4IR	Fourth Industrial Revolution

3. FOREWORD BY THE CHAIRPERSON

The 2021-2022 financial year was the second full year that Legal Aid South Africa contended with ensuring access to justice amid a global pandemic. While the year ended on something of a high note, with the country's National State of Disaster lifted just a few days after the close of the financial year, 2021-2022 continued to be dominated by the COVID-19 Coronavirus pandemic and its impact on our way of life.

Despite this, Legal Aid SA was able to assist 487,552 indigent and vulnerable people with legal representation and legal advice. This is an increase of over 100,000 people assisted when compared with the previous financial year and is testament to how the organisation has been able to adapt its practices and resources to best tackle the adjustments rendered necessary by COVID-19. Our committed Legal Aid SA Citizens further ensured that the Strategic Plan 2020-2025 continued to be rolled out, working towards fulfilling our goal of ensuring equal access to justice for all to build a just society. The last two plus years have been tremendously difficult for us all, and I am grateful for the sustained dedication of our organisation to rendering quality legal services and ensuring that constitutional rights are realised. Legal Aid SA has certainly demonstrated that it places human rights above all else.

Legal Aid SA remained an active partner in building justice systems and safer communities nationally, regionally and internationally, thus supporting access to justice for all. Our work with the United Nations Office on Drugs and Crime and the United Nations Development Programme continued, in line with our commitment to realising the United Nations' Sustainable Development Goal (SDG) 16, Target 16.3 of *promoting the rule of law at the national and international levels and ensuring access to justice for all*. Stakeholder engagement and co-operation have been essential to reach communities during the Coronavirus pandemic, especially when movement was hindered by lockdown restrictions. Our partners in justice have assisted us to carry on providing accessible and quality legal aid services to those in need.

During the last quarter of the 2021-2022 financial year, Legal Aid SA took over the legal representation function previously undertaken by the Land Rights Management Facility (LRMF) of the Department of Agriculture, Land Reform and Rural Development. The extension of our mandate to provide land justice services commenced on 5 January 2022 with the establishment of a Land Rights Management Unit, and sees our organisation provide legal representation and advice services in land disputes for those who cannot afford legal representation. Most legal practitioners who were previously providing legal representation to farm occupiers, labour tenants and restitution claimants through the LRMF have accredited with Legal Aid SA on the Judicare system and continue to provide legal services as required.

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.

Legal Aid SA's budget has been reduced by 15% over the Medium Term Expenditure Framework (MTEF) period of 2021/22 to 2024/25. We continue to implement stringent mitigating measures to absorb these reductions and have once again achieved our annual targets within these budget constraints, delivering on 84% of the approved Business Plan for 2021-2022. However, this is not sustainable in the long-term, particularly with Legal Aid SA expected to reduce compensation to employees by R125 million and goods and services expenditure by R227,6 million over the MTEF period.

Legal Aid SA thanks the Minister of Justice and Correctional Services, Mr Ronald Lamola, as well as the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, for their continued support during the last financial year, and throughout the COVID-19 pandemic.

The Board records its gratitude to Legal Aid SA's Chief Executive Officer, Ms Mantiti Kola, and the Executive Management team for continuing to capably lead the organisation throughout this very challenging time. We are proud to be affiliated with Legal Aid SA and see the daily demonstration of passion for justice and Ubuntu in action. We have sadly lost colleagues to COVID-19 in the past year and will remember them fondly.

The Board also wishes to thank the staff of Legal Aid SA who continue to champion the rights of all persons to access justice in this period of great uncertainty and loss. We recognise the significant impact this pandemic has had on each one of us and are grateful for your steadfast commitment to our mandate. We remain inspired by you.

Lastly, I thank the Board of Legal Aid SA. It is a privilege to work with a team of like-minded human rights ambassadors, who hold the fulfilment of constitutional rights central to every discussion we have and decision we make. I look forward to continuing to extend access to justice to the most vulnerable.

Judge Motsamai Makume
Chairperson: Board of Legal Aid SA

Five minor children were removed from their mother on allegations of neglect. Social workers found that the children were living in a dilapidated shack with their mother. None of them had birth certificates and the mother was unemployed. The children were temporarily removed from the mother's care and placed in a place of safety. The eldest son attempted to run away from the place of safety to return to his mother. Legal Aid SA was appointed to act as legal representatives for the children. Upon perusing the social worker's report, we found that there was no mention of neglect. An interview with the children revealed that the children were actually well taken care of by their mother and that they wished to be returned to their mother's care. The family was experiencing financial difficulty and they were in need of proper housing. The mother also needed assistance in obtaining her identity document as this would enable her to get birth certificates for all her children. She would then be able to receive a child support grant for each child. This would alleviate the families' financial problems. A meeting was held between the mother, the social workers and family members. The Department of Social Development undertook to assist the family in obtaining proper housing, an identity document for the mother and birth certificates for the children. The grandmother of the children offered to house the mother and the five children temporarily until she receives a house from the Councillor of their area. The children were returned to the care of their mother and the social workers continued to assist in resolving the socioeconomic issues endured by the family.

4. CHIEF EXECUTIVE OFFICER'S OVERVIEW

The 2021-2022 financial year saw the world continue to operate in a state of uncertainty due to the COVID-19 Coronavirus pandemic. The lessons learnt from the first year of the pandemic held us in good stead as we contended with further variants and lockdown restrictions that impacted on our ability to execute our mandate. I am pleased to report that Legal Aid South Africa was able to increase the number of indigent and vulnerable people assisted with legal representation and advice during the financial year under review, demonstrating remarkable tenacity while facing the frightening unknown.

COVID-19

The organisation's business continuity was made possible through its COVID-19 Steering Committee, established in March 2020 and comprised of members from Management and the two recognised trade unions, namely, SALAWU and SAPTU. The Committee has capably led Legal Aid SA through the various stages of our country's National State of Disaster, ensuring agility in operations so that we could continue fulfilling our constitutional mandate. During the 2021-2022 financial year, 373 Legal Aid SA employees were infected with COVID-19, 66% of whom are legal staff, and we recorded 77 instances of temporary office closure for decontamination.

Sadly, six of our employees were lost to complications arising from COVID-19, bringing the total number of colleagues who have passed away due to the Coronavirus to 14. The Legal Aid SA family remembers these dear employees and continues to honour them in our work.

During the financial year under review, the COVID-19 vaccination became widely available. As at the end of 2021-2022, a total of 54.8% of Legal Aid SA employees received the vaccination. Management continues to encourage widespread vaccination against the Coronavirus, to ensure further protection of staff and the safety of both staff and clients when attending offices, courts, correctional facilities and outreach events.

Throughout the many challenges that have accompanied the COVID-19 pandemic and impacted on operations during the 2021-2022 financial year, Legal Aid SA has remained committed to championing the rights of all persons to access justice through the provision of independent, accessible and quality legal aid services in criminal and civil legal matters. This has seen the entity attaining a clean audit outcome from the Auditor-General South Africa and achieving 84% of the Business Plan 2021-2022 objectives, concluding a successful second year of the Strategic Plan 2020-2025.

Legal Services Delivery

A total of 487,552 people were provided with legal representation and legal advice during the year under review; this is a 31% increase when compared with the previous financial year, and first year of the Coronavirus pandemic. This figure comprises a total of 314,998 (89%) new criminal and 40,143 (11%) new civil matters, and the provision of legal advice to 132,411 people. This is 17% more criminal matters, 44% more civil matters and 75% more advice matters than the 2020-2021 financial year. We finalised 360,655 matters; 317,546 (88%) criminal matters and 43,109 (12%) civil matters. This is 9% more finalised matters than the previous financial year.

Legal Aid SA assisted 11,686 children in 2021-2022; 6,935 (59%) children in conflict with the law and 4,751 (41%) children involved in civil matters.

The organisation continued to take on strategic litigation matters, both handling and funding precedent-setting human rights and social justice matters that often have a far-reaching impact on a broader population of people beyond those involved in the litigation. In 2021-2022, 49 matters were assessed for recognition as strategic litigation matters, and 19 were approved. A success rate of 93% was achieved for the 13 finalised matters with an outcome; 12 had a positive outcome and one had a negative outcome.

The growth in these service delivery figures reinforces the efficacy of the mixed model service delivery system, which sees legal aid services delivered by Legal Aid SA Local Offices and Satellite Offices, as well as Judicare, Co-operation and Agency Agreement partners. This system enables the organisation to extend the range of its services, as well as supplement its expertise by utilising legal practitioners from within the broader legal fraternity. As a result, all criminal courts as well as specialised criminal courts including specialised Child Justice Courts, Sexual Offences Courts and Commercial Crimes Courts are covered.

During the financial year, Legal Aid SA implemented an in-year output indicator change for Programme P1-1 (Access to criminal legal aid services) of the Annual Performance Plan 2021-2022.

The change was necessitated by the possible challenges in obtaining verifiable information on the actual number of days that courts sat. The output indicator was amended from actual court coverage to planned court coverage. The amendment was duly approved by the Board of Legal Aid SA and Executive Authority. The Revised Annual Performance Plan 2021-2022 was subsequently re-tabled in Parliament on 16 March 2022.

Thus, the Annual Performance Report for court coverage has been reported on this basis. Actual court coverage was 84% in the District Courts, against a target of ≥ 80%, and 81% in the Regional Courts, against a target of ≥ 90%. The delivery on planned court coverage for the District Courts and Regional Courts in the financial year was 87.6% and 94.4%, respectively.

A central court roll model was in place for High Court matters and representation was provided in all matters that required legal aid. The tracking and monitoring of Remand Detainees was better able to continue during the financial year under review, as legal practitioners were able to consult with clients in custody and these clients could attend court for bail matters. Legal services were provided by 1,907 legal staff, including paralegals; this accounts for 77% of total staff recruited.

The proportion of new civil matters has increased by 2% from the previous financial year to 11% in 2021-2022. A total of 89% of new civil matters were handled by internal legal practitioners; 7% through Co-operation Partners and 4% by Judicare practitioners.

While the Legal Aid Advice Line operated on a 50% staff capacity for much of the financial year under review, as we implemented a rotational work roster, it reverted to full capacity in quarter three of 2021-2022. This, along with relaxed lockdown regulations, has contributed to the 75% increase in the provision of legal advice as compared to the previous financial year – a total of 132,411 people were provided with legal advice, with 94,419 people assisted at local and satellite offices, 29,119 through the toll-free Legal Aid Advice Line and 8,873 at correctional facilities.

Summaries of criminal, civil and strategic litigation matters from the 2021-2022 financial year, providing insight into the work Legal Aid SA does to ensure equal access to justice for indigent and vulnerable persons and make the Constitution a living document for all, are found throughout this Integrated Annual Report. We have also incorporated land justice matters, highlighting the organisation's new, additional mandate.

The entity has stringent quality requirements for internal and Judicare legal practitioners, as well as practitioners handling matters on behalf of Legal Aid SA clients through Co-operation Partners and Agency Agreements. Several quality interventions, including training programmes; legal research and support programmes; mentorship and supervision; access to electronic libraries, and assessments conducted by the Legal Quality Assurance Unit (LQAU) continue to be effective. File audits conducted by the LQAU indicate that all categories of legal practitioners achieved the quality targets for their file audit scores, in both criminal and civil matters.

Legal Aid SA further monitors client satisfaction through surveys and compliments and complaints received through the Legal Aid Advice Line, in line with our Client Relationship Management Strategy and Client Services Charter. Client satisfaction surveys resumed in quarter four of the 2021-2022 financial year, after the Legal Aid Advice Line reverted to full capacity. The overall satisfaction level for civil is 73% and 94% for criminal matters. Part B: Performance Information contains detailed reporting on service delivery.

Finance

Legal Aid SA remains committed to the responsible, accountable and prudent spending of public resources in the fulfilment of our constitutional mandate. The Annual Financial Statements are compliant with relevant standards and regulations and the detailed Report of the Auditor-General can be found in Part F of this Integrated Annual Report. The entity received its 14th clean and 21st unqualified audit opinion from the Auditor-General South Africa in the financial year under review.

Legal Aid SA's budget has been reduced by 15% over the MTEF period of 2021/22 to 2024/25 and the entity is expected to reduce compensation to employees by R125 million and goods and services expenditure by R227,6 million during this time. This is a major concern and will significantly hamper Legal Aid SA's ability to execute its constitutional mandate.

The 2021-2022 budget allocation to Legal Aid SA was cut by 8.3%. The organisation spent and committed R2,022 billion of our budget in 2021-2022. This is a total of 95% of our budget, which is 3% below the target expenditure of 98%.

Payments to creditors and Judicare payments within 30 days were recorded at 97.3% and 99.1% respectively. Judicare payments within 30 days increased by 18% when compared to the previous financial year, showing a significant improvement.

Supply Chain Management

Supply Chain Management policies and procedures were reviewed and compliance with these was tested through the risk based Internal Audit Coverage Plan. The decrease in irregular expenditure by R459,291 is evidence of better controls implemented to ensure compliance with legislation and procurement regulations. Of the total of R50,754 of fruitless and wasteful expenditure incurred, R25,751 was recovered, in line with the Public Finance Management Act (PFMA).

The ongoing challenge of acquiring office lease accommodation will be eased by the Executive Authority's recent approval enabling Legal Aid SA to purchase office buildings in terms of the PFMA. The entity will commence with this procurement from 2022-2023.

In quarter four of the financial year under review, the National Treasury issued a moratorium on procurement due to the Constitutional Court judgment on the invalidity of the Procurement Regulations, 2017, which further constrained the ability to finalise procurement against the approved procurement plan. This has necessitated the rollover of outstanding procurement to the new financial year.

Legal Aid SA does not accept any unsolicited bids, and there were none received for 2021-2022. For detailed information on our financial performance please refer to Part F of this Integrated Annual Report.

Risk Management

The Enterprise Risk Management Strategy and Risk Management Implementation Plan was reviewed by the Board and implemented effectively to manage the strategic, operational and fraud risks affecting Legal Aid SA and to identify emerging risks. A Combined Assurance Framework is in place and provides for Management, the Chief Risk Officer, the Internal Auditors and External Auditors to provide assurance. The Internal Audit Department conducted a total of 110 of the planned 113 audit projects during 2021-2022, as well as an additional three projects, affirming the effectiveness of the organisation's risk management activities and achieving a 100% target of completion of the annual Audit Coverage Plan. The Board, in its oversight role, approved the risk appetite and tolerance for the top strategic risks and reviewed the Risk Registers and quarterly Risk Watch Reports. Legal Aid SA was materially compliant with relevant legislation that comprises the organisation's legislative universe. Details of the Internal Audit Function can be found in Part C: Governance of this Integrated Annual Report.

Regulatory Framework

The Legal Aid SA Act has been reviewed, with amendments submitted to the Department of Justice and Constitutional Development for consideration. The amendments to the Legal Aid Regulations were duly gazetted by the Executive Authority and came into operation on 6 August 2021. The amendments to the Legal Aid Manual were gazetted on 9 March 2022 and came into operation on 8 May 2022.

Human Resources

Legal Aid SA Citizens have continued to exemplify passion for justice and Ubuntu throughout the COVID-19 pandemic, fulfilling the organisation's vision of a just society. Legal Aid SA was named a Top Employer South Africa for the 13th consecutive year. We have continued to prioritise maintaining excellent people practices in the workplace and strive to meet the challenges of the changing world of work to positively impact on the lives of our staff. The organisation's recruitment rate at financial year end was 91.8%, which is 3.2% below the target. We maintained a low staff turnover rate of 5.2%.

As part of improving the Employee Value Proposition (EVP), the following aspects were reviewed: the prior year's Group Life cover was doubled with additional cover benefits ranging from Temporary Disability, Permanent Disability and Critical Illness. Employee wellness and health and safety programmes were ramped up to maintain a healthy and happy workforce. Performance incentives remained in place, as did creative and virtual employee engagement, education, training and development.

An internal employee satisfaction survey found that employee satisfaction increased in all dimensions, with an overall organisational score of 82%. We continue to implement our Employment Equity Plan 2020-2025 and focus on recruitment where there are gaps in representation. More information on Human Resources Management is provided in Part E of this Integrated Annual Report.

Information Technology

Even prior to COVID-19, Legal Aid SA recognised the importance of embracing emerging technologies, including the Fourth Industrial Revolution, in its Strategic Plan 2020-2025. The IT platform remained stable and was maintained during the financial year, with a system availability of 99.9%. Eighty percent of the workforce had remote access to our IT systems during 2021-2022, with network and Internet lines upgraded to boost capacity for remote work. Concomitant cybersecurity training was conducted for all users during the financial year under review. The Board continued to fulfil its responsibility for IT governance by effectively reviewing the IT Strategic Plan, Cybersecurity Strategy, IT investments, performance and maturity during Board meetings.

Stakeholder Management

Legal Aid SA values stakeholder engagement and co-operation to jointly increase access to justice. The stakeholder engagement table in Part D of this Integrated Annual Report details our interactions with the stakeholder universe in the 2021-2022 financial year. We are very pleased that this programme could continue throughout the pandemic, albeit in a limited capacity. Stakeholder feedback, as well as the virtual tools that now enable our interactions, will underscore future planning that will feed into the entity's sustainability approach.

Governance

The Portfolio Committee on Justice and Correctional Services continues to recognise Legal Aid SA as a high performing public entity, acknowledging our sustained successful track record and considerable contribution of our work. Three briefing sessions with the Portfolio Committee took place in the year under review.

The Board of Legal Aid SA continued to provide effective and strategic leadership and oversight of delivery on performance during the year under review. It was not fully constituted as at the end of the financial year, due to a member retiring in January 2022. More information is detailed in Part C of this Integrated Annual Report.

The review of our Strategic Plan 2020-2025 for 2022-2023 was approved by the Board during the 2021-2022 financial year. This review took into account the 15% budget cut over the MTEF period of 2021/22 to 2024/25; the ongoing response to the COVID-19 pandemic, as well as the additional land justice mandate that Legal Aid SA took over in January 2022.

Future Outlook

The financial constraints of the 2021/22 to 2024/25 MTEF period will underpin all organisational planning and execution of the Strategic Plan 2020-2025. Legal Aid SA will continue to deliver our constitutional mandate, albeit under severe financial pressure. The budget cuts continue to necessitate a Staff Rationalisation Programme, which will result in a reduction in the coverage of courts and delivery of legal aid services to indigent and vulnerable persons and erodes the EVP.

I extend my heartfelt thanks to all Legal Aid SA Citizens for your dedication and firm commitment to our mandate throughout the pandemic – your passion for justice is truly inspiring. Our success is made possible by your exceptional work.

I also thank the Chairperson of the Board, Judge Motsamai Makume, the Board of Directors, the Minister of Justice and Correctional Services, Mr Ronald Lamola, Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, and our stakeholders. Your support and shared commitment to realising the rights enshrined in the Constitution changes the lives of indigent and vulnerable people, every day.

Ms Mantiti Kola
Chief Executive Officer: Legal Aid SA

5. STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF THE ACCURACY OF THE ANNUAL REPORT

To the best of my knowledge and belief, I confirm the following:

All information and amounts disclosed in the Integrated Annual Report is consistent with the Annual Financial Statements audited by the Auditor-General.

The Integrated Annual Report is complete, accurate and is free from any omissions.

The Integrated Annual Report has been prepared in accordance with the guidelines on the annual report as issued by National Treasury.

The Annual Financial Statements (Part F) have been prepared in accordance with the Generally Recognised Accounting Practice (SA Standards of GRAP) standards applicable to the public entity.

The Accounting Authority is responsible for the preparation of the Annual Financial Statements and for the judgments made in this information.

The Accounting Authority is responsible for establishing and implementing a system of internal control designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the Annual Financial Statements.

The external auditors are engaged to express an independent opinion on the Annual Financial Statements.

In our opinion, the Integrated Annual Report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the public entity for the financial year ended 31 March 2022.

Yours faithfully

Chief Executive Officer
Ms Mantiti Kola
30 July 2022

Chairperson of the Board
Judge Motsamai Makume
30 July 2022

6. STRATEGIC OVERVIEW

The 2021-2022 financial year was the second year of implementation of the Legal Aid South Africa Strategic Plan 2020-2025.

6.1. VISION

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

6.2. MISSION

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

6.3. VALUES

The values that the organisation subscribes to are:

i. Passion for Justice

ii. Ubuntu

iii. Integrity

iv. Accountability

v. Service Excellence

vi. People and Planet Focused

7. LEGISLATIVE AND OTHER MANDATES

The Legal Aid South Africa Act (Act 39 of 2014) mandates Legal Aid SA to give effect to the rights and obligations enshrined in the Constitution of the Republic of South Africa and other national legislation. The Legal Aid Regulations reflect policy provisions and guide us on when legal aid should be made available and the Legal Aid Manual contains the procedural provisions which indicates how legal aid should be delivered.

7.1. CONSTITUTIONAL MANDATE

The Constitution of the Republic of South Africa contains specific sections from which Legal Aid SA's mandate to provide legal representation in criminal trials and appeals, children's civil matters and civil matters are derived. These sections are quoted below and our enabling legislation read with the Legal Aid Regulations and other national legislation provide detail on how we give content to these rights.

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."*

7.2. LEGISLATIVE MANDATE

7.2.1. Legal Aid South Africa Act 39 of 2014

(Date of Commencement 1 March 2015)

The Legal Aid South Africa Act (39 of 2014) came into operation on 1 March 2015.

Section 5 of the Act makes it an imperative that Legal Aid SA, its directors, employees, and agents serve impartially and independently, and exercise their powers and perform their duties and functions in good faith and without fear, favour, bias or prejudice.

Section 6 of the Act details the composition and appointment of the Board. The Board is composed of 14 voting members appointed by the Minister of Justice and Correctional Services. In the 2021-2022 financial period, all 14 members of the Board continued to hold office until December 2021 when one Board member retired, being the National Operations Executive of Legal Aid SA. We still await the appointment of this vacancy by the Executive Authority.

Various Board Committees have been constituted as per section 13 and these committees were fully operational and assisted the Board in the performance of its functions.

The preamble of the Legal Aid South Africa Act (39 of 2014) describes the mandate and objects of Legal Aid SA, 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 objects are described as follows in the Legal Aid SA Act:

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.

7.2.2. Other legislation impacting on delivery of legal aid

In addition to the Legal Aid SA Act, there are various pieces of legislation that make provision for the state to provide legal assistance to indigent persons. In most instances, Legal Aid SA is mandated and funded to provide such representation but there are some noticeable exceptions (mostly in civil related matters) where the state has not provided the necessary funding to enable Legal Aid SA to render such services:

i. Criminal Procedure Act (section 73, 309, 309B, 309C, 309D & 316) – Legal Representation in Trials and Appeals;

ii. The Child Justice Act (section 82(1) & 83(2)) – Legal Representation for Children in Child Justice Court (No Child may refuse 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. Refugees Act 140 of 1998 (section 27(b));

v. Labour Relations Act 66 of 1995 (section 149) – Currently unfunded;

vi. Mental Healthcare Act 17 of 2000 (section 15);

vii. Restitution of Land Rights Act 22 of 1994 (section 22) – Funding and Mandate transferred with effect from 1 January 2022;

viii. Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (section 4(5)) – Currently unfunded;

ix. Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996) – Funding and Mandate transferred with effect from 1 January 2022;

x. The Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) – Funding and Mandate transferred with effect from 1 January 2022;

xi. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (section 10(5));

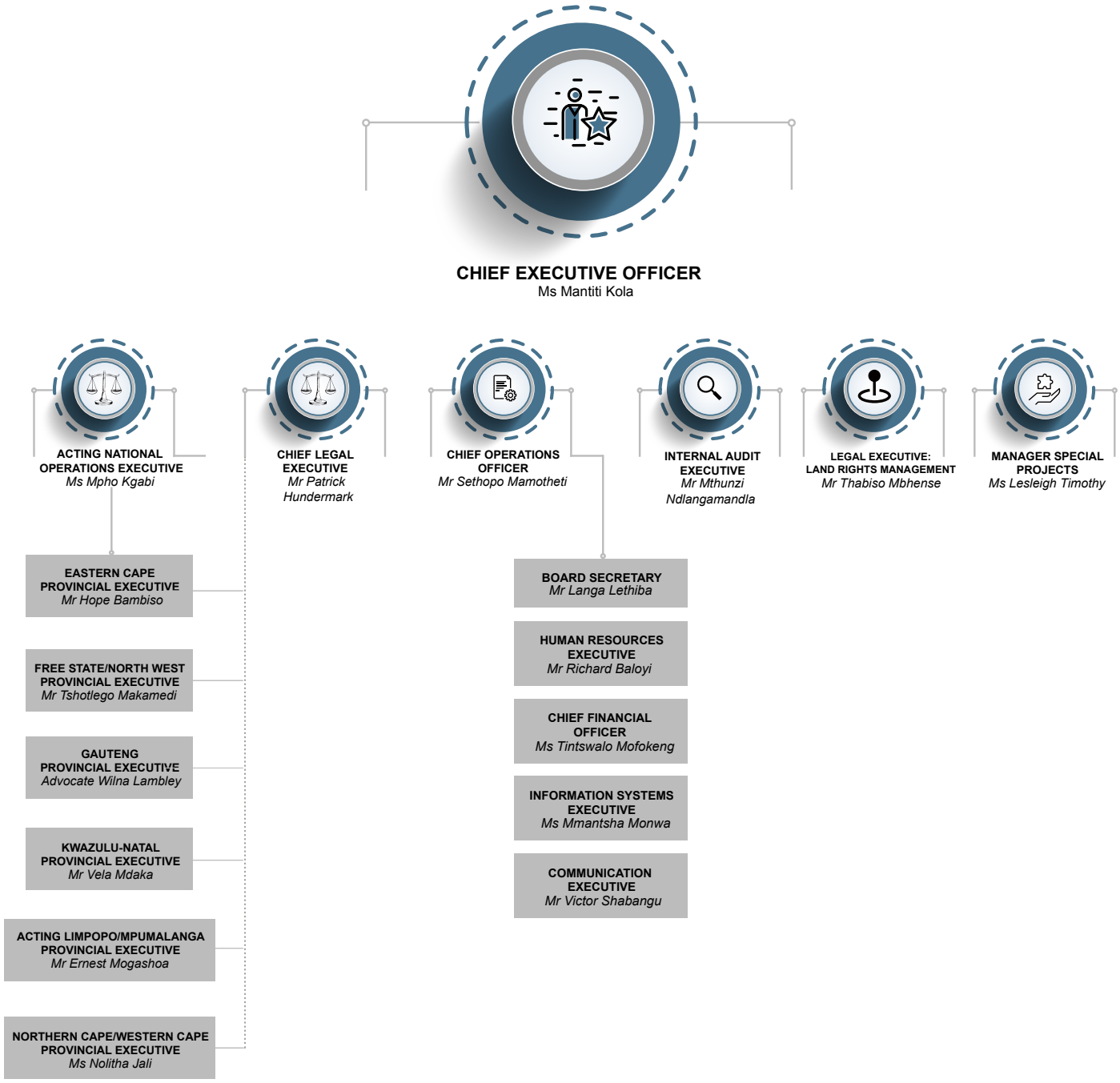
xii. Domestic Violence Amendment Act 14 of 2021 – section 19(2)(c);

xiii. The Public Finance Management Act 1 of 1999 (PFMA).

Legal Aid SA currently provides legal representation relating to the above legislation, within its available budget/funding and resources, in accordance with the policy provisions of the Legal Aid Regulations which came into operation in terms of section 23(1) of the Legal Aid SA Act on 22 August 2017. Due to budget/funding and resource constraints, there are criteria in the Regulations that determine qualification for and limitation or exclusion of assistance. The Board has reviewed the Regulations during the 2020-2021 financial year and these amendments were gazetted and came into effect in the current financial period on 6 August 2021. These limitations and exclusions unfortunately do result in unmet legal needs for South Africans who are not able to afford the cost of their own legal representation, particularly in civil related matters. It is likely that further limitations will be necessary due to the budget cuts that have been implemented for the 2021–2024 MTEF period.

The Legal Research Unit within the National Operations Department monitors the Parliamentary Legislative Agenda for any proposed legislation or envisaged amendments to current legislation, in so far as they impact on the organisation's mandate and/or clients' rights. This is to ensure that clients' rights are properly articulated and protected and furthermore to ensure that the mandate of Legal Aid SA is not extended without concomitant funding which must be determined after a proper costing of the required resources to implement any such mandate extension.

8. ORGANISATIONAL STRUCTURE AS AT 31 MARCH 2022



8.1. MANAGEMENT EXECUTIVE COMMITTEE AS AT 31 MARCH 2022

MS MANTITI KOLA

Chief Executive Officer (CEO)

Master of Management – Business Executive Coaching (University of the Witwatersrand), BA Honours, BA Education (University of the North), Postgraduate Diplomas in Management from University of Pretoria, Monash University Australia and the Singapore e-Government Leadership Centre

The Chief Executive Officer is responsible for overall strategic direction of Legal Aid SA so as to realise the vision and fulfil the mission.

MS MPHO KGABI

Acting National Operations Executive (NOE), appointed 1 March 2022

BProc (University of the North West), Higher Diploma: Drafting and Interpretation of Contracts (University of Johannesburg), Certificate Programme in Leadership Development (WBS, University of the Witwatersrand), Practising Attorney

The National Operations Executive is responsible for ensuring the delivery of cost-effective, high quality legal services.

MR SETHOPO MAMOTHETI

Chief Operations Officer (COO)

BCompt, Postgraduate Diploma: Accounting Science (University of South Africa), HDipTax (University of North-West), MBA (GIBS, University of Pretoria), Certified Internal Auditor, Certificate in Control Self-Assessment (Institute of Internal Auditors), AGA(SA) (South African Institute of Chartered Accountants)

The Chief Operations Officer is responsible for support operations within Legal Aid SA.

MS TINTSWALO MOFOKENG

Chief Financial Officer (CFO), appointed 1 January 2022

BCom Accounting (Rand Afrikaans University), BCom Accounting Honours (University of KwaZulu-Natal), CTA, CA(SA) (South African Institute of Chartered Accountants)

The Chief Financial Officer is responsible for strategically guiding financial matters of Legal Aid SA in a manner that will ensure its long-term viability as an upholder of the rights of the people of South Africa to effective, high quality legal services.

MR PATRICK HUNDERMARK

Chief Legal Executive (CLE)

BCom, LLB (Nelson Mandela University, formerly University of Port Elizabeth), Certificate Programme in Leadership Development (WBS, University of the Witwatersrand), Practising Attorney, North Gauteng High Court

The Chief Legal Executive is responsible for civil legal services delivery including legal advice, the improvement of the quality and range of civil legal services offered to Legal Aid SA's legal aid applicants, strategic litigation services and corporate legal matters.

MR MTHUNZI NDLANGAMANDLA

Internal Audit Executive (IAE)

BCom, Honours (University of South Africa), Management Development Programme (University of KwaZulu-Natal), Certified Internal Auditor, Certificate in Control Self-Assessment (Institute of Internal Auditors)

The Internal Audit Executive is responsible for the assessment of controls and risk management within Legal Aid SA, including compliance with the Legal Aid SA Act, Public Finance Management Act and National Treasury Regulations, and the applicable governance and common law stipulations.

MR THABISO MBHENSE

Legal Executive: Land Rights Management, appointed 1 August 2021

B Juris, LLB (University of Natal, Pietermaritzburg)

The Legal Executive: Land Rights Management is responsible for land restitution matters and land tenure matters in accordance with the newly acquired land rights mandate.

MR RICHARD BALOYI

Human Resources Executive (HRE)

BCom Honours: Human Resources Management (University of Johannesburg), BTech Human Resources Management (Central University of Technology), Diploma: Human Resources Management and Practices (University of Johannesburg), National Teachers Diploma (Shingwedzi College of Education)

The Human Resources Executive is responsible for the Human Resources Department and ensuring that the human resources processes and systems support the delivery of the Legal Aid SA strategy.

MR VICTOR SHABANGU

Communication Executive (CE)

BA Communication, Postgraduate Diploma: Marketing Management (University of South Africa)

The Communication Executive is responsible for creating awareness about Legal Aid SA's services and educating the public regarding accessing such services, as well as building strategic relations with relevant stakeholders.

Note: Management changes (NOE, CFO) are detailed on page 29.

MS MMANTSHA MONWA

Information Systems Executive (ISE)

BSc (University of Limpopo), BSc Honours: Information Systems, MBL (University of South Africa)

The Information Systems Executive is responsible for the Information Technology infrastructure and the provision of support to all users within Legal Aid SA.

The following Provincial Executives are responsible for ensuring the efficient, effective and economic delivery of legal services as contemplated by the Constitution within their area of jurisdiction:

MR HOPE BAMBISO

Provincial Executive – Eastern Cape Province

BProc, LLB (University of Fort Hare), LLM (University of South Africa), Practising Attorney

MR VELA MDAKA

Provincial Executive – KwaZulu-Natal Province

BProc, LLB (University of Zululand), Practising Attorney

MR ERNEST MOGASHOA

Acting Provincial Executive – Limpopo/Mpumalanga Province, appointed 1 March 2022

LLB (University of Limpopo), Certificate Programme in Leadership Development (WBS, University of the Witwatersrand), Practising Attorney

MR TSHOTLEGO MAKAMEDI

Provincial Executive – Free State/ North West Province

BProc (University of Limpopo), Certificate Programme in Leadership Development (WBS, University of the Witwatersrand), LLM (North-West University), Practising Attorney

ADVOCATE WILNA LAMBLEY

Provincial Executive – Gauteng Province

LLB, B.Iuris (University of South Africa), Practising Advocate

MS NOLITHA JALI

Provincial Executive – Northern Cape/Western Cape Province

BProc (University of Fort Hare), Practising Attorney

PART B
PERFORMANCE INFORMATION

Increased access to justice for all

17% more new criminal matters taken on

44% more new civil matters taken on

75% more legal advice matters

1. AUDITOR'S REPORT: PREDETERMINED OBJECTIVES

The role of the Auditor-General South Africa/Auditor is acknowledged as critical to the sustainability of Legal Aid South Africa, as it provides independent assurance that activities being carried out within Legal Aid SA are in accordance with the approved predetermined objectives and mandate.

The audit conclusion on the performance against predetermined objectives is included in the report to Management, with no material findings reported under the Predetermined Objectives in the Report on other legal and regulatory requirements.

Please refer to page 152 of the Report of the External Auditor, published in Part F: Financial Information.

2. SITUATIONAL ANALYSIS

2.1. SERVICE DELIVERY ENVIRONMENT

The 2021-2022 financial saw another year in which Legal Aid SA operated under the 'new normal'. The previous financial year had seen a flurry of activity, with the organisation making various adaptations so that operations could continue, amidst the devastating onslaught of the COVID-19 virus. The country continued to be in full lockdown, with adjustments to the severity of the lockdown being made from time to time, depending on the severity of the threat of the Coronavirus. The lockdowns had a devastating effect on the economy and consequently, on all sectors of society. With our work focused on people who are on the lower end of the economic scale, and our funding coming from an already over-stretched fiscus, we at Legal Aid SA were not spared the economic devastation brought about by the pandemic. Countless hours were lost due to staff being infected by the virus and sadly, six of our employees were lost to complications arising from COVID-19, bringing the total number of colleagues who have passed away due to the Coronavirus to 14.

We continued to make changes to our operations, in line with the guidelines that were issued by the Department of Justice and Constitutional Development, changing the way the courts operated during the various levels of lockdown. While restrictions on access to court buildings had been lifted, together with restrictions on the types of cases that could be heard, the output of cases in the courts came nowhere near what could have been expected, had we not been in a pandemic. This loss of productivity was mirrored in Legal Aid SA's own intake of cases, as well as their finalisation.

Throughout this period, our COVID-19 Steering Committee continued to meet weekly, and formulated guidelines to guide our response to the pandemic in line with the national guidelines, as well as court directives. The COVID-19 Steering Committee maintained a tracking system to ensure that we track the number of infections throughout the organisation. Later, when vaccines became available, the same system was used to track the rate of vaccination in the organisation.

While it was important to ensure that the delivery of service to clients continued uninterrupted, the safety of our staff and clients was of paramount importance to us. We continued to use the two teams approach in terms of which half the staff were in the office on alternate weeks. This was to ensure that a minimum number of staff were in any one office at the same time, to minimise the risk of infection, but also to ensure continuity of operations if one team was compromised. During the non-office week, staff continued to work from home. This included legal practitioners, who serviced their court obligations directly from home.

The re-organisation of our working arrangements from the office to home was made easier since the entity has, for some time now, embraced technology. We equipped all our permanent practitioners with laptops so that they were able to do their administrative and research work at home or at court. An allowance was made available to all staff to whom we did not provide remote connectivity devices, so that they could purchase data to connect from home using their personal devices.

Legal Aid SA practitioners continued to deliver legal services of a high quality to the South African public, thereby ensuring that their rights are protected, even during the most challenging of circumstances.

Service Delivery Model

The keystone of our legal services delivery model is the mixed model delivery system. This model enables us to tap into external resources to extend the range of our services, as well as to supplement our expertise by utilising legal practitioners from within the broader legal fraternity. This is done by using the tried and tested Judicare model as well as the fixed-fee Agency Agreement model for criminal matters. For civil matters we concluded Co-operation Agreements with legal sector NGOs and University Law Clinics, to ensure the provision of a wider range of services to clients in catchment areas that may be out of reach to us. In the urban areas, Co-operation Partners help alleviate the pressure on our local offices, which are inundated with clients seeking assistance with civil matters.

By using the mixed model system, we ensure that the pool of practitioners available to represent the indigent is increased, and services can be delivered to a wider group of people and for a wider variety of services.

Due to budget constraints, our national footprint has not changed for some time now. We continue to deliver our services through our 64 Legal Aid SA Local Offices and 64 Legal Aid SA Satellite Offices, which are supported by 6 Provincial Offices, and the National Office. Due to our inability to expand the physical footprint, we have explored various ways to increase contact with clients using electronic means. We have however continued to perform improvements and maintenance on our existing facilities, budget allowing.

A dedicated Property Management Unit has been established in the Finance Department. The Unit is responsible for managing the acquisition of property for our offices to operate from, where, in terms of our strategy, it is deemed more feasible and economical to acquire fixed property. Regarding leased premises, the Unit monitors all lease agreements to ensure timeous renewal of the agreements, as well as the timeous acquisition of alternative office space, in cases where the lease agreements have come to an end. All decisions regarding the location of our offices are guided by the ease of access to our offices by clients and the proximity of the courts.

Notwithstanding the sweeping changes we were forced to make to our operations due to the pandemic, we have continued to use our 'practitioner per court' model in terms of which we have a dedicated legal practitioner assigned to every criminal court on pre-determined days. Using this model ensures that there is continuity in the operation of the courts because the possibility of a practitioner being held up with another matter in another court is eliminated. This minimises stakeholder complaints regarding the unavailability of practitioners when they are needed. It also ensures the smooth flow of cases and higher finalisation rates due to the seamless operation of courts. The DoJ&CD occasionally establishes specialised courts to address specific challenges, either on a permanent or temporary basis. These courts include Specialised Commercial Crimes Courts and Sexual Offences Courts. In all areas where these courts have been established, we have deployed specialist legal practitioners who have specialised training in the handling of commercial crime and sexual offence matters. We have also deployed practitioners with the requisite skills in dealing with matters for children in conflict with the law and in all areas where there are dedicated Juvenile Courts. We have further made capacity available in areas where there are full-time Preliminary Inquiry Courts.

During certain levels of lockdown, Remand Detainee facilities were also placed under lockdown and were out of bounds for both the public and lawyers alike. This was done to prevent the introduction of the Coronavirus into the prison system. This had a negative impact on our ability to consult with clients in custody. During some of these periods, Remand Detainees could not be transported to courts for their court appearances.

In those courts where video remand facilities exist, our practitioners made use of these facilities to postpone their client's matters. It is unfortunate that these facilities that have been piloted for some time now, have not been developed to the level that a full criminal trial can be conducted using them.

The restrictions on the number of cases that could be heard by the courts because of the COVID-19 lockdowns resulted in a much lower throughput of cases from the courts, compared to the pre-COVID-19 period. Part of the rationale for this is that the hard lockdown, with its associated curfew, led to a reduction in criminal activity, and therefore the number of arrests and prosecutions. Consequently, there was a corresponding reduction in the demand for legal aid services. The sharp reduction in the number of new cases taken on by Legal Aid SA during this period is therefore not so much a measure of productivity as it is a reflection of social trends in reaction to the lockdowns and a subsequent slowdown in activity across the entire sector. There was a positive side to this in that the reduction in demand gave us some space to introduce the new operational model we put into place. It also brought some relief to the pressures that were brought about by the staff reductions of previous years, as well as the fact that we do not have a dedicated relief component. Throughout this period, our local office Managers continued to assess the demand coming from their courts so that our staff provisioning in the courts remained responsive to local demand.

Judicare Programme

Our Judicare programme is underpinned by a well-developed accreditation programme, which has been perfected over the years to respond to our business requirements. The Judicare accreditation programme ensures that we attract suitably qualified and experienced legal practitioners in private practice to supplement our representation of legal aid clients, primarily in cases where there is a conflict of interest with our internal practitioners. This is done with strict compliance with procurement regulations which require that Judicare practitioners must be registered on the Central Supplier Database and be tax compliant. Our local offices are required to hold individual briefing sessions with all newly accredited Judicare practitioners to apprise them of our Judicare policies and procedures, as well as the standard of quality expected of Judicare practitioners.

In addition to this, they hold formal Judicare briefing sessions with all Judicare practitioners annually, to acquaint them with the latest developments and policies that affect them, as well as to answer any questions that Judicare practitioners may have. In addition, two newsletters were distributed to Judicare practitioners during the financial year. These newsletters cover all developments within Legal Aid SA that are of relevance to Judicare practitioners.

We have continued to realise savings to our Judicare budget, resulting from the revisions that were made to our Judicare Travel Reimbursement Policy. These revisions cap the maximum distance in respect of which Legal Aid SA will pay a travel reimbursement, thereby discouraging practitioners from taking instructions in courts where the travel reimbursement would be excessive. This ensures that payments to Judicare practitioners directly cover professional services rather than disbursements.

Early in the pandemic, we recognised the impact that the economic downturn would have on Judicare practitioners, who mostly operate small practices relying on Judicare work for revenue. It became quite clear that the slowdown in the operation of the courts would make it difficult for Judicare practitioners to finalise their cases, with devastating financial consequences. The Board of Legal Aid SA approved a competitive increase in the tariff, which was backdated to the beginning of the financial year. Subsequently, a decision was taken to give a concession to Judicare practitioners to submit interim accounts in all matters, and for all court types. This was done with the aim to improve their cashflows, thereby ensuring the sustainability of their practices, due to their vulnerability. The granting of this concession has indirectly contributed to the stress testing of our Payments Processing Unit (PPU) to deal with the increased volume of accounts. Several tracking systems were put in place to ensure that the taxation and payment of accounts are not delayed. It took only a short while for the system to be perfected so that PPU can process all accounts, at any stage of the proceedings, and not only when proceedings are finalised. This has resulted in a recommendation in the revisions to the Legal Aid Manual to remove any restrictions to the submission of interim accounts, for all court types.

After a detailed analysis of our Judicare instruction and payment data, there was a concern about the number and value of instructions given to women. While our Judicare instruction module had previously been tweaked to favour women when allocating instructions, the latest research showed that very few women were accredited for courts that yield high value instructions, such as Regional and High Courts. A pilot project was therefore proposed, for implementation in the new financial year, involving a more proactive approach in attracting and preparing women practitioners and making sure that we turn the bias towards male practitioners around.

Civil Delivery

Our civil delivery strategy has continued to gain traction, despite the difficulties with contacting clients that were experienced during the period, due to COVID-19 restrictions. We continued to provide legal services to the indigent and vulnerable in civil matters. Most significantly, we continued to provide services to identified focus groups such as women and children as well as continue our contribution in the winding up of estates where children are beneficiaries. It is regrettable that during certain periods when the risk of COVID-19 infection was at its highest, we were forced to completely restrict access to our offices by clients in the interests of their health, as well as that of our staff. Whenever a window opened for us to lift the restriction on access to our offices, our Civil Legal Practitioners were required to work from their offices for more days than their colleagues attending to criminal matters. We have continued to monitor the ratio of administrative staff to civil practitioners so that the time of our Civil Legal Practitioners is freed up, so that they can spend more of their time in legal service delivery. During the reporting period, the availability of administrative staff to assist civil practitioners was impacted by the fact that we were compelled to adopt a two teams approach, meaning that the civil administrative ratio recorded based on filled positions per local office was not a reflection of the support available to practitioners at a point in time at local level.

The demand for civil legal services is increasing exponentially. Previously, we managed to contain this increase in demand by creating several Junior Legal Practitioner posts, to spread the work. This exercise also helped us in widening the career path for our practitioners, especially recently qualified practitioners. Our ability to increase the number of civil practitioners is unfortunately hampered by severe and ongoing budget cuts, which resulted in decreasing our civil capacity. This has not been helped by the fact that the fiscus is under severe pressure.

The ratio of civil supervisors to civil practitioners is continuously monitored to ensure that the quality of the services we provide is not compromised, due to lack of supervision. This does not stop at the practitioner/supervisor ratio. The quality of the supervision at all local offices is also closely monitored.

There are various technological resources available to our civil practitioners, since a civil practice typically involves the generation of many documents, while at the same time, having to meet exacting time demands. Several Standard Operating Procedures have been developed to regulate the functioning of our civil units. We have advanced document generation software to assist in the generation of the many documents that a civil practitioner generates on any given day. Web-based monitoring systems are in place to assist civil practitioners with monitoring their compliance with prescribed time periods, to ensure that all cases which have defined notice and prescription periods are well managed. Regular reports are sent to Managers to assist them in monitoring the adherence of their practitioners to all time periods. Separate reports are generated to assist local offices in the management of trust funds held in our Trust account.

Various online research facilities are available to our practitioners, including both Jutastat and LexisNexis. The latest developments in the law are communicated to practitioners using our e-mail system. In addition to this, we have a SharePoint platform where practitioners can exchange knowledge, pose questions to the practitioner community, or venture answers on issues they have knowledge on or experience in.

Most of our civil clients are helped through our general advice programme. This programme was the most affected by the restrictions on clients accessing our offices due to lockdown regulations, as well as limitations on the number of staff that can attend our offices at any given moment. During 'no-access' periods, general advice clients were serviced by our Legal Aid Advice Line, which provided advice, but also facilitated contact with local office practitioners, whenever it was necessary.

Being a toll-free line, the Legal Aid Advice Line alleviates the cost of both travelling and making a phone call, particularly for clients in rural areas, who can access instant legal advice through a toll-free telephone service including the availability of a 'Please Call Me' function. Clients with access to the internet can access the Legal Aid Advice Line through our website by leaving a web enquiry for an agent to contact them. The website enquiry form makes provision for persons with hearing impairments to indicate their communication needs so that the Legal Aid Advice Line can customise their response to such clients. While the technological resources mentioned here may seem out of bounds given the profile of our clients, usage statistics have surprised us, and show that there is a high penetration of especially cellphones among our clients, including our rural clients.

Self-help modules are also available on our website for use by clients who have matters that are less complex and lend themselves to self-resolution by the client. These modules cover several common legal issues and are meant to empower clients to deal with those legal issues that the client can resolve, without external assistance. The usage statistics of our self-help services indicate that an increasing number of people are making use of these services.

Our Strategic Litigation Unit has continued to litigate cases of social and constitutional importance, thereby making a difference in the lives of many. As is the norm, the Unit dealt with issues that positively impact the lives of the indigent by taking on cases dealing with land issues, environmental matters, the rights of children, the rights of women married by Muslim rites, as well as many other issues that impact on the daily lives of ordinary South Africans. The Unit again contributed to the realisation of the rights of children and women, particularly those whose marriages are governed by discriminatory religious or traditional laws.

High Court Operations

We have a High Court Unit at all offices located at the seat of a High Court. Our High Court Unit Practitioners ensured that legal aid is available to litigants in the highest courts in the land, including the Supreme Court of Appeal and the Constitutional Court. The High Court Units are staffed by highly experienced practitioners who are dedicated to servicing the High Courts only.

The COVID-19 challenge enabled us to explore alternative models of conducting litigation, with the litigation of the first cases to be conducted virtually by video link. However, virtual hearings are currently only suitable for non-trial matters such as civil applications and appeals.

During certain periods of the lockdown, our dedicated High Court Unit Paralegals were unfortunately not able to consult with clients in custody, due to correctional centres coming under lockdown before the rest of the country.

There is an automated system in place for our High Court Units to receive a notification as soon as a case is transferred from the lower court for trial in the High Court. We have also developed a system to notify our High Court Units of all matters in which we have successfully applied for leave to appeal in the lower courts, so that the High Court Units are aware and ready for the ensuing appeal. Due to persistent delays in finalising appeals, we have implemented an extensive appeal tracking system to track the progress of appeal matters until finalisation. This enables Managers to identify the causes of delays in finalising matters. We are in continuous discussions with court stakeholders to eliminate delays in the preparation of appeal records, as these have been identified as the single biggest factor that causes delays in finalising appeals. Unfortunately, one of the factors that contributes to our inability to secure appeal records are delays by the DoJ&CD in concluding the procurement process for transcription service providers. When issuing trial instructions in the High Court, our system has been enhanced so that the offer of instruction received by the practitioner contains the estimated duration of the case. This minimises the possibility of Judicare practitioners taking instructions concurrently and places the practitioner in a better position to decide if they should accept the instruction or not.

Criminal Justice System

Legal Aid SA is recognised as a valuable contributor in all intersectoral structures of the CJS cluster. One of our biggest contributions is the exchange of reliable data which helps stakeholders in making informed decisions for the entire sector, based on reliable information. The different lockdown periods brought some disruption to our stakeholder interaction efforts. However, as the sector adapted to the new reality, and it became clearer with time that the end of the pandemic is not within sight, changes were made to the way we interact, with meetings moving more to virtual platforms.

Meetings of the National Efficiency Enhancement Committees were negatively impacted at national level. However, provincial and local meetings continued to take place. Our flagship Remand Detainees and Children Awaiting Trial in custody programmes were also negatively impacted by the prohibition of external visits to correctional centres. The ban on these visits, as well as the fact that there were difficulties in holding Provincial Efficiency Enhancement Committees, saw a slight increase in the number of Remand Detainees awaiting trial for periods exceeding two years. Difficulties were also encountered in obtaining information on Remand Detainees from the Department of Correctional Services. We have however continued to track those Remand Detainees that we had on our system individually, until their cases were finalised, or they were released from custody.

Children are a special vulnerable group and as such, they enjoy special priority from Legal Aid SA. We have capacitated all our practitioners by offering them training in dealing with matters involving children in conflict with the law. We have practitioners available to help with the representation of children in all Child Justice Courts as well as in all Preliminary Inquiry Courts, whenever our assistance is required. The Child Justice Act has established the Intersectoral Committee for Child Justice (ISCCJ), responsible for monitoring the implementation of the Act. While Legal Aid SA is not an official member of this Committee, we participate in all the activities of the Committee since we are an integral part of the delivery of legal services to children.

Our civil units also provide legal representation for children, most of whom are children in need of care, in the Children's Courts. Most of our civil cases are estate matters in which children are beneficiaries.

Even with practitioners operating largely from home, we continued with the implementation of our Quality Monitoring and Intervention Programme. Our Quality Management Programme is reviewed and refined on a continuous basis to ensure that it is continuously improved and remains relevant to our operations. The Legal Quality Assurance Unit (LQAU), located within the Internal Audit Department, conducts independent quality audits of our practitioners, thereby providing a measure of independent assurance of the quality of our services. Most of our practitioners met their quality targets, even while operating under the most difficult of circumstances.

Quality Assurance

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 were held with Judicare practitioners to discuss our quality requirements. Judicare practitioners are required to conduct a self-review of their work each time they submit an account.

Since the Legal Aid Advice Line had to take over part of the general advice function performed at local offices, the capacity to conduct Client Satisfaction Surveys was limited and only resumed towards the end of the financial year. The Advice Line however continued to deal with any complaints received.

These complaints are referred to the local office Managers so that they can investigate any source of complaint with the client and, if necessary, engage the practitioner who dealt with the matter. We also have a web-based complaints management system to track all complaints received, until their successful resolution.

The work of the Criminal Justice System Review Committee slowed down to a halt during the pandemic, while stakeholders looked to address urgent operational issues. While no new protocols were concluded, we have continued to implement all recommendations and existing protocols developed as a result of the work of the CJS Review Committee. The work of specialist committees such as the Intersectoral Committee on Child Justice and the Sexual Offences Committee, continued as normal. Legal Aid SA continues to enjoy representation on the Rules Board and participates in task teams of the Rules Board where changes to the Rules of Courts are considered. We also monitor and provide input into all proposed legislative changes.

While we had hope that the end of the pandemic would be announced at some stage, we started the year with a new acceptance that COVID-19 and its resultant restrictions were the new reality. To return to a sense of normalcy, Government has eased restrictions although the pandemic is still in existence.

However, some positives have come from the current pandemic. The increased use of technology is an imperative that we cannot avoid for the future. The pandemic has jolted us from a slumber into unprecedented levels of technology usage. Working from home was a concept already adopted at Legal Aid SA, albeit limited to high performers. The pandemic has taught us that rather than this being a luxury, it can be an important programme to ensure the sustainability of the organisation, especially during difficult times. We are incorporating numerous lessons learnt from the pandemic into our normal operations. This includes a move away from purchasing desktop computers for staff, to laptops. It is most important for us that we remain geared up for the current reality.

2.2. ORGANISATIONAL ENVIRONMENT

The COVID-19 report is found in paragraph 3 below of this Integrated Annual Report. It is common course that all organisations, including Legal Aid SA, continued to be plagued by the devastating effects of the pandemic in the year under review. Notwithstanding, the entity was resilient and made the necessary adjustments to continue to provide services to its clients in line with its mandate.

2.2.1. Highlights

- Legal Aid SA adopted a two teams approach to circumvent the impact of the COVID-19 pandemic – this ensured the smooth running of operations.
- The organisation assisted 487,552 people with legal representation and legal advice.
- Legal Aid SA delivered on 84% of Business Plan targets.
- Prudent financial management, coupled with improvisation and reprioritisation initiatives, enabled Legal Aid SA to navigate the budget cuts.
- The entity timeously met all statutory requirements.
- Legal Aid SA was accredited as a Top Employer South Africa and proudly received the accreditation for the 13th consecutive year.
- The organisation took over the legal representation function previously undertaken by the Land Rights Management Facility (LRMF) of the Department of Agriculture, Land Reform and Rural Development.

2.2.2. Changes in Management

Legal Aid SA experienced two key changes at the Executive level in the year under review, namely that the Chief Financial Officer position became vacant when Ms Precious Mbingo resigned on 31 July 2021, and that the National Operations Executive position became vacant due to the retirement of Advocate Brian Nair on 31 January 2022.

The organisation was able to fill the positions, appointing Ms Tintswalo Mofokeng as the Chief Financial Officer with effect from 1 January 2022. The gap between 31 July 2021 when Ms Mbingo resigned and 1 January 2022 when Ms Mofokeng assumed her duties was filled by Ms Ndiitwani Liphosa (current Budget Manager) on an acting appointment.

Mr Thembile Mtati was appointed as the National Operations Executive with effect from 1 January 2022.

Mr Mtati was relieved of his responsibilities as from 1 March 2022 as there were personal matters that he had to attend to. In his absence, Ms Mpho Kgabi (currently the Limpopo/Mpumalanga Provincial Executive) has acted as the NOE, with full delegated authority.

2.2.3. Communication Report

The nation continues to reap the bitter fruits of serious violence against women and children. As such, it is upon all the communication units of both the public and private sector to ensure that their plans correlate with the National Strategic Plan on Gender-Based Violence and Femicide (GBVF). The Communication Department stepped up its public education and outreach efforts to elevate awareness on all GBVF related matters during the reporting period.

A partnership with the Department of Basic Education, South African Police Service, Department of Justice and Constitutional Development, Department of Home Affairs and the Department of Social Development on the anti-bullying and violence prevention intervention strategy was the first such public education and outreach programme for the year.

The initiative was launched on 28 May 2021 at Tshepana Primary School in Orange Farm, Gauteng and Legal Aid SA exhibited its legal services and support through its Communication Department and the Legal Aid SA Vereeniging Local Office. This multi-sectoral approach proved successful, along with a webinar which focused on the three Amendment Acts to strengthen efforts to eradicate GBVF.

In the era of the COVID-19 pandemic where an overabundance of information emerged to birth the infodemic (a term the World Health Organization defines as too much information including false or misleading information in digital and physical environments during a disease outbreak), Legal Aid SA's Internal Communication Unit played a pivotal role in ensuring that employees and their respective families are empowered with the correct, verified and consistent information. The growing digitisation means information can spread more rapidly and so it was critical for the Department to have an effective strategy in place to move quickly to fill information voids and reduce harmful messages. Investing resources in new methodologies and technologies was another aspect which the Communication Department continued to utilise in dispersing information pertaining to Legal Aid SA services, e.g., Fraud and Ethics Hotline, Complaints Register and details regarding consultation hours during the various Lockdown Alert Levels. The continued convergence of information across Legal Aid SA's digital platforms saw successful and consistent messaging disseminated to the public, presenting a coherent brand message and identity.

The innovative culture continued even with paid media exposure, where the organisation's brand and services were showcased for the first time in an engaging digital brand integration (DBI) campaign which saw an impressive 27,5 million television viewers exposed to the Legal Aid SA brand. This involved the seamless slotting of the organisation's human rights key messages into the narrative of various TV programmes on three different TV channels. With limited and constrained resources, the Communication Department continued to utilise diverse marketing activities to provide information and raise awareness of the Legal Aid SA brand.

The National Brand Perception Study – a multi-ethnic syndicated survey – was conducted during this reporting year to determine the level of awareness and experience of the Legal Aid SA brand. There was a slight increase in awareness level, from 66% in 2018 to 67% in 2021. Social media has risen to be in the top six sources of information about Legal Aid SA, from 2% in 2018 to 5% in 2021.

The continued partnership with the Government Communication Information System and the Department of Justice and Constitutional Development through #LetsTalkJustice created avenues for access to state-funded legal services to make justice a reality for all.

2.2.4 Challenges

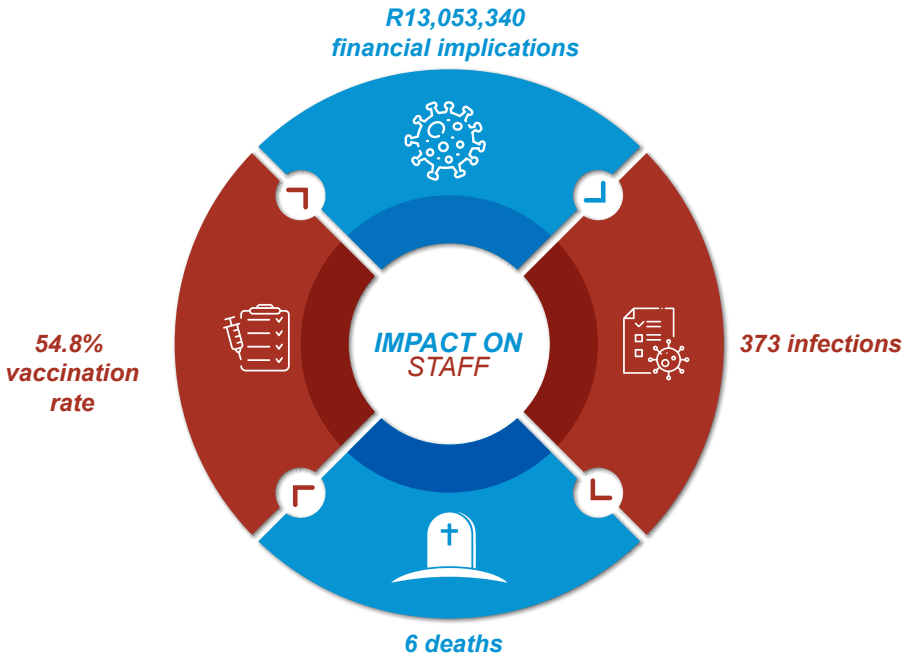
The following challenges can be recorded for the year under review:

- Continued budget reductions – detailed in Part F of this Integrated Annual Report, on page 150.
- Low recruitment levels in general, due to budget cuts.
- Service delivery issues occasioned by the impact of Regulations and Court Directions issued by Government due to COVID-19 - covered in paragraph 3.2. on page 32.
- Capacity to match the increasing demand for civil legal services.
- Building organisational capability and capacity to deal with the new land mandate.
- Challenges to meet the Employment Equity targets at Senior Management level.

In light of the challenges above, the Board and Management of Legal Aid SA worked tirelessly to maintain strong, leading practice financial management and reporting to ensure a clean audit outcome and high financial maturity.

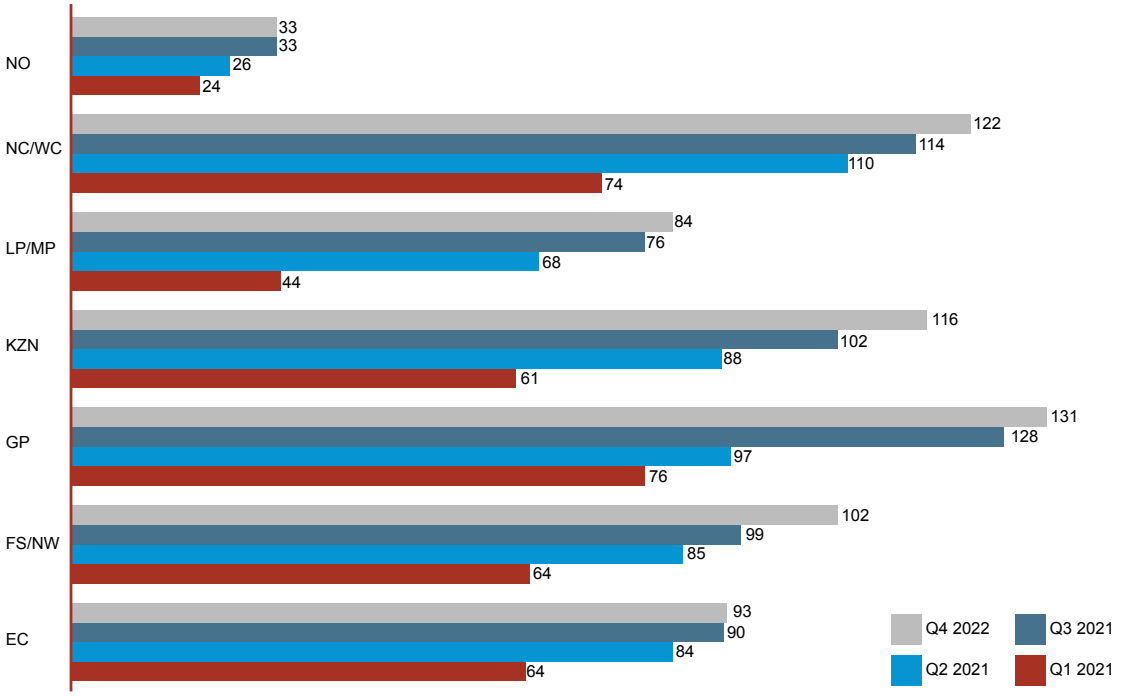
3. COVID-19 IMPACT ON THE ORGANISATION

In the 2021-2022 financial year, South Africa continued to experience and live with the impact of COVID-19 which started at the end of March 2020. Legal Aid SA, like many organisations in South Africa, was adversely impacted by COVID-19. In the year under review, 373 employees were infected with the Coronavirus. The pandemic also had a negative impact on service delivery and organisational finances. The graphic below depicts the summary of the COVID-19 impact on Legal Aid SA in 2021-2022.



3.1. IMPACT OF THE PANDEMIC ON STAFF

COVID-19 positive cases reported in 2021-2022 was 373 compared to 331 in 2020-2021. The graph below depicts how Legal Aid SA staff members by province have been impacted by positive COVID-19 cases.



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.

Legal staff members account for 66% of those affected by the pandemic (450 of a total of 681 positive cases), making them the most affected category in the workforce. Unfortunately, Legal Aid SA suffered six (eight in 2020-2021) fatalities due to the pandemic. This is reflected in the table below as at 31 March 2022.

Table 2: Legal Aid SA COVID-19 Statistics at 31 March 2022

Province	Numbers of Offices/Depts with COVID-19 cases	Numbers of submissions to COVID-19 webpage	Positive Cases					Severity of Illness			Current Status		
			Production	Admin	Management	Total	% per Province	Asymptomatic	Mild-at home	Severe-Hospitalised	Recovered	Active	Deceased
Eastern Cape	10	153	61	14	18	93	14%	4	82	7	92		1
Free State & North West	13	155	69	6	27	102	15%	10	89	3	101	1	
Gauteng	12	152	93	18	20	131	19%	3	119	9	125		6
KwaZulu-Natal	11	194	81	10	25	116	17%	6	109	1	115		1
Limpopo & Mpumalanga	10	59	59	9	16	84	12%	13	66	5	82		2
Northern Cape & Western Cape	13	188	85	19	18	122	18%	7	102	13	117	1	1
National Office	8	66	2	21	10	33	5%	2	27	4	33		
TOTAL	**77**	**968**	**450**	**97**	**134**	**681**		**45**	**594**	**42**	**665**	**2**	**14**
%			**66%**	**14%**	**20%**			**7%**	**87%**	**6%**	**98%**	**0%**	**2%**

3.2. IMPACT OF THE PANDEMIC ON LEGAL SERVICE DELIVERY

Service delivery at courts was negatively impacted throughout the year as court coverage, intake of new matters and finalisation of matters was lower than initially planned.

Table 3: Court Coverage Statistics (Actual as per Matter Activity Reports: 1 April 2021 - 15 March 2022; Planned: 16 - 31 March 2022)

Financial Year		Quarter	District Court	Regional Court
2021/22	**ACTUAL**	Quarter 1	84%	81%
		Quarter 2	84%	82%
		Quarter 3	85%	81%
		Quarter 4	83%	78%
	PLANNED	Quarter 1	87.6%	94.4%

Note: These statistics are speaking to the approved in-year KPI change.

3.3. IMPACT ON FINANCE

Table 4: COVID-19 Expenditure: March 2020 – 31 March 2022

Budget Programme	Interventions	Geographic Location (where possible)	Number of Beneficiaries (where possible)	Total Budget Allocation per Intervention	Total cost for the year ended 31 March 2022	Contributions to the Outputs in the APP (where possible)	Immediate Outcomes
Operational expenditure (sanitiser, cleaning, screens, dispensers)	Provision of sanitisers, dispensers, protective screens, masks	National	2,577 staff members	Funded from savings on operational costs	1,919,470	Able to attend to court coverage, client and community outreach, office	Able to deliver on our mandate
Access Point Network (APN) (line rental)	Enable remote work access	National	800 staff members	Funded from savings on operational costs	240,000	Remote access and work maintained	Business continuity and connectivity maintained
APN data usage	Enable remote work access	National	31% of 2,577 staff members	Funded from savings on operational costs	4,670,370	Remote access and work maintained	Business continuity and connectivity maintained
Cellphone allowances	Enable remote work access	National	2,577 staff members	Funded from savings on operational costs	6,223,500	Remote access and work maintained	Business continuity and communication maintained
TOTAL					**13,053,340**		

4. KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

The Legal Aid South Africa Act 39 of 2014 came into operation on 1 March 2015 and the Board has been constituted for the second time since the implementation of the Legal Aid SA Act and has been operational in accordance with the requirements of the Act. During this reporting period there has been one retirement. This vacancy remains to be filled. The annual review and refinement of the Board instruments was conducted and all relevant governance requirements were fully operational. The Board Governance Charters and Board Code of Ethics were not finalised in the year under review. They will be finalised in 2022-2023. All governance structures functioned efficiently and effectively during the period under review.

The Legal Aid Regulations have been operational since 22 August 2017 and have been reviewed and amended to ensure that it remains relevant to societal changes. Of particular importance is the amendment of Regulation 27 (the Legal Aid SA Means Test) which allows for an annual increase, effected in the 2022-2023 financial year. Further amendments to the Regulations in 2021-2022 related to implementing some limitations in civil matters but also extending the contribution policy that has been in place for criminal matters to civil matters. Amendments to the Legal Aid Manual were tabled in Parliament and published in the Gazette on 9 March 2022 and will come into operation in the 2022-2023 financial year. Version six of the Legal Aid Manual was gazetted by the Executive Authority and came into operation on 8 May 2022.

In December 2019, an Inter-Ministerial Committee on Land Reform recommended the transfer of the Land Rights Management Facility (LRMF) from the Department of Agriculture, Land Reform and Rural Development (DALRRD) to Legal Aid SA. From July to December 2021, Legal Aid SA worked alongside the Department of Justice and Constitutional Development, the DALRRD and National Treasury in preparation for the agreed takeover date of 1 January 2022. The Legal Aid SA Land Rights Management Unit is headed by the Legal Executive: Land Rights Management and currently operates from the National Office.

On 1 January 2022, Legal Aid SA took over the management of the legal component of the LRMF. 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 is 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 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 MTEF allocation agreed in the Memorandum of Understanding will be transferred during the 2022 mid-term budget.

In this reporting period, the investigation of the South African Law Reform Commission in terms of section 35 of the Legal Practice Act on the issue of legal fees and the impact on access to justice was finalised and submitted to the Minister of Justice and Correctional Services for consideration in March 2022. The Legal Practice Act mandates the Commission to investigate and report back to the Minister with recommendations on the desirability of establishing a mechanism which will be responsible for determining fees and tariffs payable to legal practitioners, the composition of such a mechanism and the process it should follow in determining fees or tariffs. The Commission expressed the view that there is no need for another mechanism to be established when there is already an existing mechanism, the Legal Practice Council (LPC), in place. It is recommended that fee guidelines will be the desirable mechanism for determining legal fees and tariffs in respect of all areas of the law. These will be developed by the LPC based on the factors enumerated under section 35(2) of the Legal Practice Act. It is also recommended that the LPC must adopt an effective consultative process of all the stakeholders, including involving Legal Aid SA, prior to determining fees and tariffs.

The organisation remains committed to the protection of the most vulnerable in society, especially women, children and the disabled. Legal Aid SA remains supportive of all efforts to eradicate gender-based violence and participates in the National Steering Committee on Gender-Based Violence and Femicide that monitors the implementation of the National Strategic Plan on GBVF.

The President of the Republic assented to three new laws aimed at addressing aspects of gender-based violence. Most of these new provisions impact on survivors and ensure that the journey at courts and the judicial process does not amount to secondary victimisation. The amendments aim to make it easier for survivors to present their cases in courts. One of the amendments directly impacts Legal Aid SA in that the Domestic Violence Act now makes provision that legal representation through Legal Aid SA must be available for minor children in domestic violence proceedings.

The Legal Aid Regulations already make provision for legal representation for minor children in domestic violence applications and we should therefore be able to implement this new provision without any challenges. Legal Aid SA considered the draft regulations relating to the three new laws and responses were submitted to the relevant stakeholders. The three new laws will be implemented from July 2022.

The South African Law Reform Commission (SALRC) published an Issue Paper on Domestic Violence and the Criminal Law Response which aims to identify the way the law currently responds to criminal behaviour perpetrated by people in domestic relationships and whether these responses are adequate or in need of law reform. Legal Aid SA provided a response to the Paper to serve as a basis for further in-depth deliberation with the Commission and other stakeholders.

The entity considered proposals and provided comments for law reform aimed at protecting vulnerable groups which include the Recognition of Customary Marriages Act 120 of 1998 which still deprives certain cultural and religious communities from concluding legally recognised marriages; the Green Paper on marriages aimed at establishing a policy foundation for regulating the marriages of all persons that reside in South Africa; the SALRC Discussion Paper on single marriage statute, and the SALRC Issue Paper on the review of aspects of matrimonial property law, all of which seek to redress the injustices of the current marriage regime. Regarding the protection of children, Legal Aid SA confirmed its commitment to upholding the best interest of the child and affording the child a voice in legal proceedings pertaining to their lives in comments on the SALRC Issue Papers on Relocation of families with reference to minor children and the National Instruction 2/2010 guiding police officials on how to deal with children in conflict with the law. The SALRC Issue Paper on Domestication of the United Nations Convention on the rights of persons with disabilities outlines several concerns, for example, the treatment of disabled displaced persons that are refugees and asylum seekers as well as their right to health care.

In the response to the questions posed in the Issue Paper, Legal Aid SA emphasised the socio-economic challenges faced by persons with disabilities and attention was also drawn to the statistics that show that African women with disabilities constitute the greatest portion of disabled persons in South Africa in comparison with men and women from other racial groups.

The Department of Justice and Constitutional Development invited comments on the proposed amendments to the Promotion of Equality and the Prevention of Unfair Discrimination, Act 4 of 2000. The purpose of the Amendment Bill, 2021 is to address certain challenges that have been identified following a review process of the Act.

The proposal is to amend section 25 of the principal Act to include that legal aid be granted to persons who wish to institute proceedings in terms of this Act. In the response, Legal Aid SA notes that the Equality Courts are courts designed to deal with matters covered by the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000. The Equality Courts were extended to the Magistrate's Courts primarily to bring access to justice to the marginalised and vulnerable citizens to assert their rights. Proceedings in the higher courts are costly for the majority of people, however, in the Equality Courts, legal representation is not a prerequisite and there are no costs incurred when lodging a complaint (mainly unfair discrimination), thus making it easy to access. In terms of the Equality Act, the South African Human Rights Commission and the Commission on Gender Equality (CGE) are mandated to assist complainants in taking their matters to the Equality Courts. In terms of the Act, all High Courts are Equality Courts for their area of jurisdiction and all Magistrates' Courts have been designated by the DoJ&CD to serve as Equality Courts in all nine provinces, making it accessible to the public.

If Legal Aid SA is required, as per the proposed amendment of section 25 above, to grant legal aid to persons who wish to institute proceedings in terms of this Act, the current resources of the organisation will be wholly insufficient and it will impact negatively on the sustainability of the entity as it will be an unfunded mandate. Legal Aid SA does not have the capacity to help every person that seeks to initiate a legal process in unfair discrimination matters. Such an unfunded mandate will result in a situation where Legal Aid SA will not have sufficient resources to deliver on its core mandate which is to provide legal representation to persons who cannot afford their own legal representation. Should the Minister set regulations that exceed our mandate, additional budget and resources must be allocated to Legal Aid SA to ensure that we are able to meet the additional demand for legal services in these types of matters.

The sustainability of the community-based paralegal sector, which plays an important role in ensuring access to justice and legal empowerment for indigent communities, remains tenuous as the Minister of Justice and Correctional Services must still provide the outcome of the consideration of the report and recommendations made by the LPC. In terms of section 34(9) of the Legal Practice Act, the LPC must make recommendations to the Minister relating to the statutory recognition of paralegals.

The UN Sustainable Development Goals (SDGs) has a set of 17 Global Goals aimed at ending extreme poverty and fighting injustice and inequality. Global Goal 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*. The adoption of the UN Principles and Guidelines on access to legal aid in criminal 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 UN member countries. A common set of measures to track progress towards the goals and monitor the actions taken to achieve the SDGs were agreed upon but they are very narrowly focused on criminal justice to the exclusion of civil justice. In 2019, Legal Aid SA participated in developing the SDG Country Report providing South Africa's progress on attaining the Global Goals. The next progress report is scheduled for 2023 and the impact of the COVID-19 disaster is expected to have stymied some progress on the attainment of the Global Goals as South Africa focused on the immediate social needs of its citizens, some brought on and some exacerbated by the COVID-19 disaster, since 2020.

Progress made towards the achievement of the Objectives and Outcomes is reported on in Part B: Performance Information of this Integrated Annual Report.

PERFORMANCE INFORMATION

4.1. STRATEGIC OUTCOME ORIENTED GOALS

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

The Objectives for 2020-2025 are:

01 Empowered clients and communities making informed choices about their legal matters, rights and responsibilities.

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

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

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

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

06 Sustaining good governance, best practises and maintaining high ethical standards and integrity, high performance and accountability.

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

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

09 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.

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

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 following Outcomes were implemented to realise our mandate:

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

02 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.

03 Quality client-focused legal advice services.

04 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.

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

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

07 Improve financial sustainability and manage the reductions to the budget.

08 Maintain and enhance good governance.

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

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

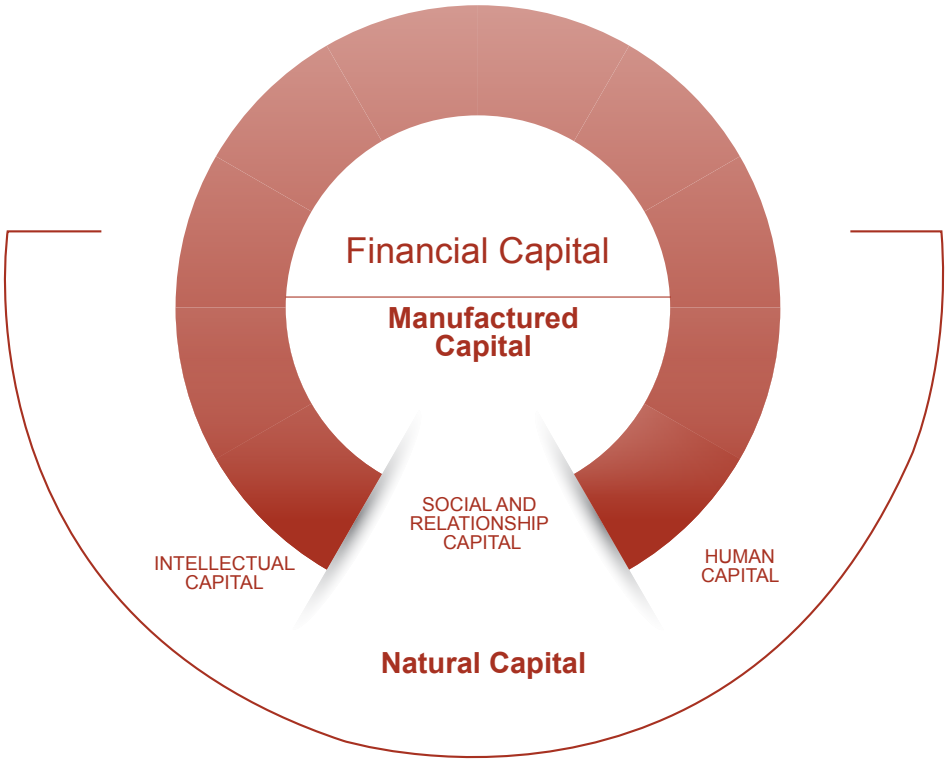
11 Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.

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

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

5. LEGAL AID SOUTH AFRICA REPORT ON THE SIX CAPITALS

Legal Aid SA adopted the six capitals as depicted below. These capitals together represent stores of value that are the basis of an organisation's value creation.



Source: International Integrated Reporting Council – 2013

5.1. SOCIAL AND RELATIONSHIP CAPITAL

The source of Legal Aid SA's value creation is the constitutional and legislative mandate which enables the formulation of policies and strategies of the organisation. Social and economic imbalances between South Africa's affluent and poor persons necessitates the State to intervene in providing legal aid to the indigent and vulnerable. Legal Aid SA provides professional legal representation services and legal advice services to the indigent and vulnerable, thereby protecting and defending their rights. The provision of legal aid services further promotes the rule of law and increases confidence in the fairness and accessibility of the criminal justice system and the justice system in general. This contributes to building a just society.

We actively manage our brand and reputation, driving service excellence and accountability through integrity and people-centred values. Therefore, we use our combined skills, expertise and years of experience to lead and manage the business operations of our organisation, being mindful of governance principles.

The use of the 'practitioner per court' model ensures the efficient and effective use of resources in covering the criminal courts nationwide. Hence, we have maintained the high-performance level of our Business Plan goals for 2021-2022 consistently, alongside past achievements.

Our active participation in the development of Sustainable Development Goal 16, Target 16.3 is a demonstration of our commitment to the rule of law and equal access to justice for all, both locally and internationally. It is therefore our conviction that our strategy to drive a sustainable business growth for access to justice for all must be pursued by state funding for legal aid services.

5.2. INTELLECTUAL CAPITAL

Legal Aid SA operates a mixed model of legal services delivery provided mainly by in-house legal practitioners who are augmented by Judicare and Co-operation Partners. Our legal aid services ensure access to justice for the populace, especially in view of the high level of legal costs. Our Means Test, which sets the threshold limits for persons to qualify for legal aid, is periodically reviewed to widen the level of eligibility of legal aid services for the indigent.

Our greatest differentiator lies in our national footprint, and our toll-free Legal Aid Advice Line, which ensure the presence of our services for both urban- and rural-based citizens, thus facilitating access to justice.

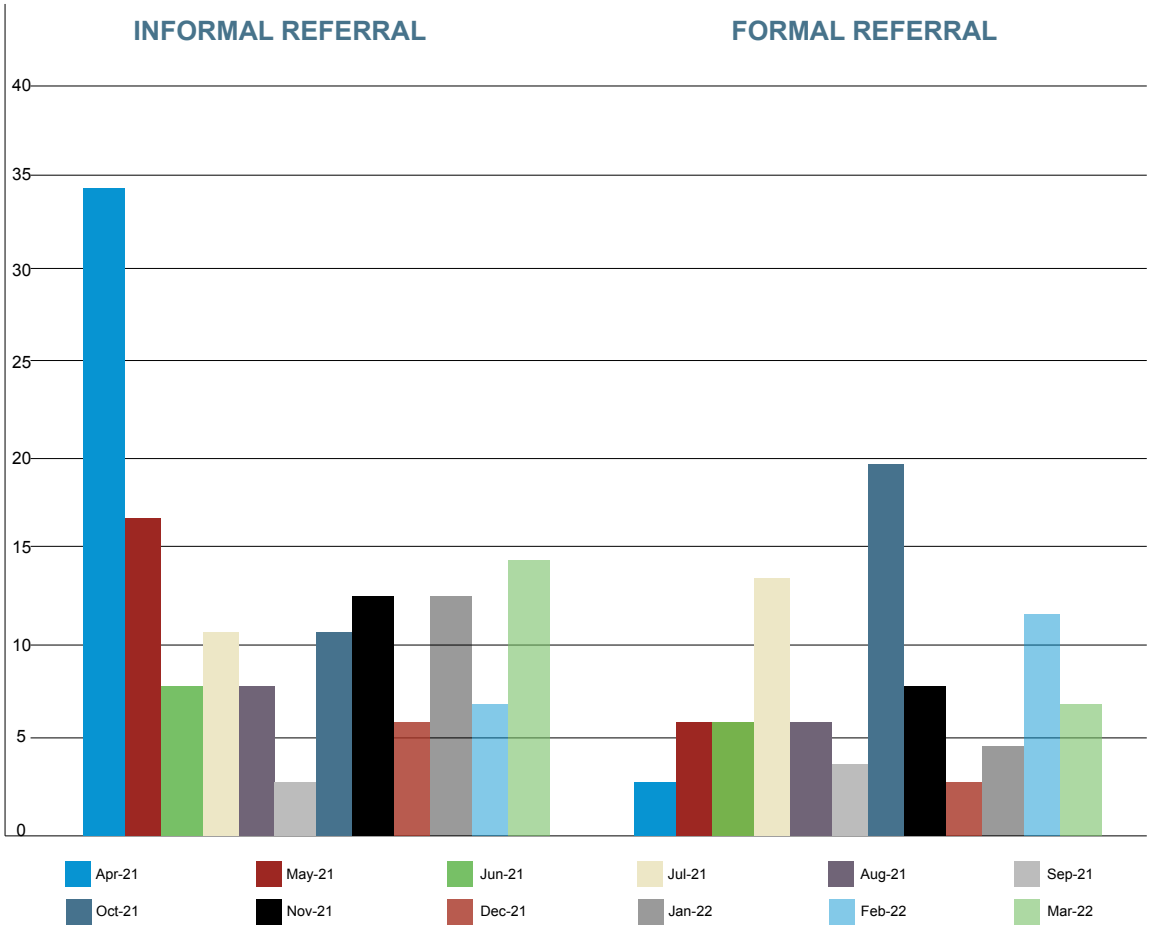
Our lawyers are committed to deliver quality legal services to ensure a high standard towards the progressive realisation of the rights of individuals. Our low turnover rate and recruitment and retention strategies have ensured that the legal experience and competency levels of our legal professionals are high and they able to provide quality legal services and advice to our clients. Moreover, our strategic litigation matters, including class action lawsuits, positively impact the lives of groups of persons and a large section of society by establishing legal precedent, jurisprudence and constitutional damages, resolving group disputes and influencing changes to laws and administrative systems that impact society.

5.3. HUMAN CAPITAL

The staffing level in 2021-2022 was 91.8%, which was 3.2% below a target of 95%. The lower rate however did not impact negatively on employee workload as the demand for legal services was lower due to the various COVID-19 regulations imposed during the year which limited movement of people and at times impacted on the functioning of courts.

Good labour relations were maintained throughout the year with quarterly meetings held with union leadership as per recognition agreements. No industrial action was experienced in the financial year under review.

The Employee Value Proposition was enhanced, with the prior year's Group Life cover doubled with additional cover benefits ranging from Temporary Disability, Permanent Disability and Critical Illness. Employee wellness and health and safety programmes were ramped up to maintain a healthy and happy workforce. Performance incentives remained in place, Candidate Attorneys' Practical Legal Training and Board Examination Fees were covered in full and the undergraduate bursary funding ceiling was increased by 50%. An internal employee satisfaction survey found that employee satisfaction increased in all dimensions, with an overall organisational score of 82%. Our wellness programmes were utilised by our employees as depicted below.



Referral for Employee Assistance Programme services – April 2021 to March 2022

During the 2021-2022 financial year, numerous awareness talks were held as part of the Organisational Culture Programme calendar. The talks were presented via MS Teams and all Legal Aid SA Citizens were invited to attend. The talks were facilitated by healthcare professionals and provided psycho-educative material.

5.4. MANUFACTURED CAPITAL

To address the issue of insufficient resources for remote work, the primary network line was upgraded from 300Mbps to 600Mbps. The internet line was also upgraded from 100Mbps to 300Mbps in quarter three. Security awareness campaigns continue to be rolled out to all users with four campaigns rolled out by the end of the financial year to improve user awareness on cybersecurity issues. All employees have access to a laptop or desktop, with access to IT systems, and 80% of those can access our IT systems remotely.

Our offices are easily accessible and located throughout the country. The local offices have UPS devices installed which are tested monthly. The offices are configured to ensure safe social distancing. Sanitisation stations and thermometers are available at the reception for clients and employees to sanitise and take their temperatures on arrival at every office.

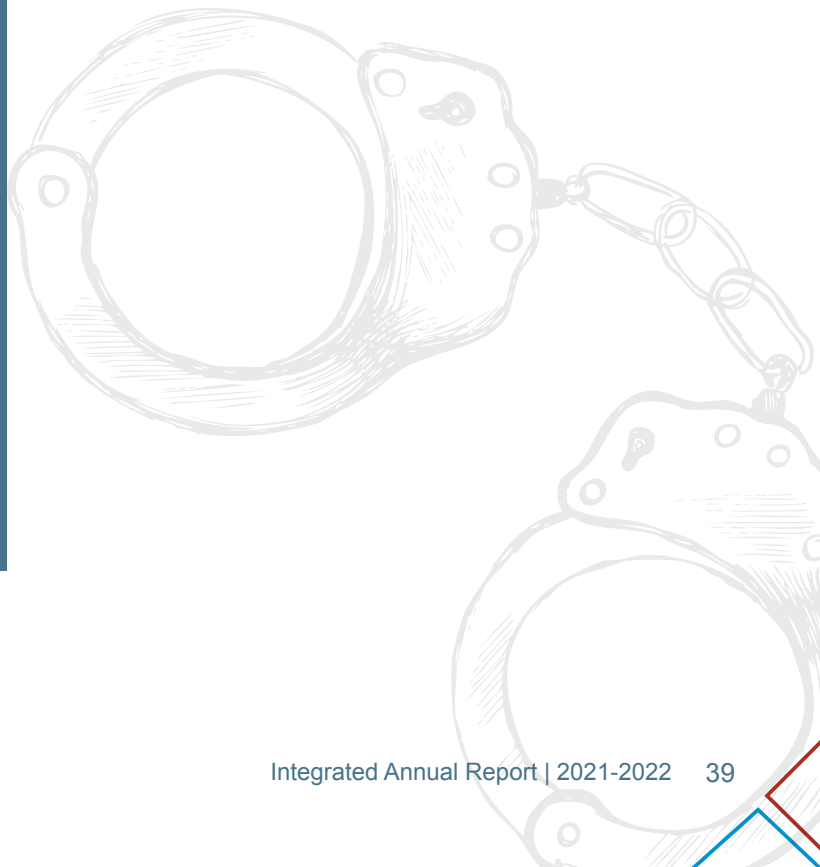
Many young boys have died in recent years while undergoing traditional circumcision. This is partly due to the entry into industry of unqualified and unscrupulous traditional surgeons, who are doing this for the financial benefits. This has necessitated Government to enact legislation to regulate this traditional practice. The circumcision of boys under the age of 18 years is strictly prohibited. A father whose 16-year-old son had undergone circumcision approached the Legal Aid SA Mthatha Local Office for assistance. The father was charged, together with a traditional leader and a traditional surgeon, with the statutory offence of allowing a child below the age of 18 years to be circumcised and admitted to an initiation school. The Supervisory Legal Practitioner who dealt with the matter had to study the new legislation in full to assist his client. His saving grace was a provision in the Act that allowed for the circumcision of boys under the age of 18, provided there is written parental consent. The outcome of the case prompted the Eastern Cape House of Traditional Leaders and the Congress of Traditional Leaders of South Africa to engage in a process to review the Act.

5.5. FINANCIAL CAPITAL

Legal Aid SA's financial management practices not only ensure compliance with legislation and regulatory prescripts but ensure that resources are economically acquired and efficiently applied to derive maximum output with limited funding from Government. Our efficiency in applying limited resources has ensured that performance levels above 80% are maintained amid budgets cuts of 8.3% in the 2021-2022 financial year. The organisation managed to save costs, resulting in surplus at year end. Our good governance practises and adoption of leading practices led to sustained high performance and an unqualified audit outcome with no material findings.

5.6. NATURAL CAPITAL

Legal Aid SA strives to become a world-class player in the environmental protection space by creating an environmentally friendly working environment, which will bring positive outcomes for all its employees and other stakeholders who may be directly affected by its activities. It actively adopts a holistic Environmental Policy and Programme, which aims to educate the Legal Aid SA community to appreciate and deal with environmental issues. It further aims to administer and manage Legal Aid SA in an environmentally sensitive way and ensure that the organisation, through its operations throughout the country (National Office, provincial offices, local offices and satellite offices), complies with applicable legislation and international leading practices and standards with regard to the protection of the environment.



6. PERFORMANCE INFORMATION BY PROGRAMME/ACTIVITY/OBJECTIVE

The following are the delivery statistics for Legal Aid SA nationally and per province for the 2021-2022 financial year, and the detailed performance information against the approved 2021-2022 Annual Performance Plan.

Table 5: Legal Aid South Africa Corporate Dashboard

No.	INDICATOR	PERFORMANCE 2021-2022					PERFORMANCE PRIOR YEARS	
		Annual Target		Annual Performance			2020-2021	2019-2020
		Number	%	Number	%	Variance against Target	Number/%	Number/%
OVERALL PERFORMANCE								
Delivery of Business Plan								
1	Client Community			Achieved			Not Achieved	Achieved
2	Financial Sustainability			Achieved			Achieved	Achieved
3	Business Processes			Achieved			Achieved	Achieved
4	Employee & Organisational Capacity			Achieved			Achieved	Achieved
EXECUTIVE AUTHORITY ACCOUNTABILITY								
5	Quarterly/Annual Report/s	5		5		On target	5	5
6	Parliamentary Briefings	2		3		On target	4	2
CLIENT COMMUNITY								
7	**New Legal Delivery Matters/Instructions (i.e., number of instructions to legal practitioners) (excluding Pro Bono)**			355,141			297,206	402,238
7.1	Local Offices - New Matters	335,631		342,031	102%	2% positive variance to target	287,294	385,909
	(i) District Court			265,013			227,154	294,631
	(ii) Regional Court			39,237			33,595	43,644
	(iii) High Court (including SCA and CC)			2,090			1,861	2,600
	(iv) Civil	46,289		35,691	77%	23% negative variance to target	24,684	45,034
7.2	Judicare - New Matters			9,654			7,108	10,330
7.3	Co-operation Partners - New Matters	3,160		3,083	98%	2% negative variance to target	2,105	4,857
7.4	Agency Agreements - New Matters			354			689	1,117
7.5	Strategic Litigation - New Matters	16		19	119%	19% positive variance to target	10	25

Table 5: Legal Aid South Africa Corporate Dashboard (continued)

No.	INDICATOR	PERFORMANCE 2021-2022					PERFORMANCE PRIOR YEARS	
		Annual Target		Annual Performance			2020-2021	2019-2020
		Number	%	Number	%	Variance against Target	Number/%	Number/%
OVERALL PERFORMANCE								
7.6	Pro Bono			90			91	255
8	**Finalised Delivery Matters/Instructions (excluding Pro Bono)**			360,655			331,893	374,367
8.1	Local Offices - Finalised Matters	335,631		349,231	104%	4% positive variance to target	321,714	360,921
	(i) District Court			266,662			254,094	276,373
	(ii) Regional Court			40,476			33,315	41,253
	(iii) High Court (including SCA and CC)			2,701			2,187	2,500
	(iv) Civil	46,289		39,392	85%	15% negative variance to target	32,118	40,795
8.2	Judicare - Finalised Matters			7,990			6,989	8,301
8.3	Co-operation Partners - Finalised Matters	3,160		2,717	86%	14% negative variance to target	2,585	4,489
8,4	Agency Agreements - Finalised Matters			702			592	637
8.5	Strategic Litigation - Finalised Matters	16		15	94%	6% negative variance to target	13	19
8.6	Pro Bono			114			47	119
9.1	**Criminal Total New Matters**			314,998	89%		269,388	351,061
9.2	**Civil Total New Matters**			40,143	11%		27,818	51,177
10	**General Advice**	308,050		132,411	43%	57% negative variance to target	75,624	266,055
10.1	Local Offices & Satellite Offices	228,523		94,419	41%	59% negative variance to target	50,259	199,668
10.2	Call Centre	47,921		29,119	61%	39% negative variance to target	23,062	39,008

Table 5: Legal Aid South Africa Corporate Dashboard (continued)

No.	INDICATOR	PERFORMANCE 2021-2022					PERFORMANCE PRIOR YEARS	
		Annual Target		Annual Performance			2020-2021	2019-2020
		Number	%	Number	%	Variance against Target	Number/%	Number/%
OVERALL PERFORMANCE								
10.3	RD - Paralegals	31,606		8,873	28%	72% negative variance to target	2,303	27,379
11	**Children Awaiting Trial (Legal Aid SA clients only)**							
11.1	Pending (>1 month in custody)			21			53	9
12	**Children - Total Matters**			11,686			8,463	13,514
12.1	Children - New Criminal Matters			6,935	59%		4,988	7,781
12.2	Children - New Civil Matters			4,751	41%		3,475	5,733
13	**Pending Matters**							
13.1.1	Pending Matters - LOs			158,061			167,155	201,181
13.1.2	Total Backlog Matters (LOs)			40,806	26%		54,898	30,256
13.2.1	Pending DC - Total (LOs)			77,471			80,696	107,451
13.2.2	DC Matters >6 months		20%	10,756	13.9%	6.1% positive variance to target	16,609	11,222
13.3.1	Pending RC - Total (LOs)			30,668			32,139	31,836
13.3.2	RC Matters >9 months		30%	13,179	43%	13% negative variance to target	14,165	8,283
13.4.1	Pending HC - Total (LOs)			3,603			4,215	4,502
13.4.2	Pending HC - excluding Appeal Matters			804			817	786
13.4.3	HC Matters >12 months (excluding Appeal/ Petition Matters)		35%	332	41.3%	6.3% negative variance to target	365	219
13.5.1	Pending Civil - Total (LOs)			46,319			50,105	57,392
13.5.2	Civil Matters >18 months		30%	16,539	35.7%	5.7% negative variance to target	23,759	10,532
14	**Legal Services Delivery - Quality Monitoring**							
14.1.1	CAs - IA (LQAU) File Audit Score		80%	238	85%	5% positive score variance to target	86%	85%

Table 5: Legal Aid South Africa Corporate Dashboard (continued)

No.	INDICATOR	PERFORMANCE 2021-2022					PERFORMANCE PRIOR YEARS	
		Annual Target		Annual Performance			2020-2021	2019-2020
		Number	%	Number	%	Variance against Target	Number/%	Number/%
OVERALL PERFORMANCE								
14.1.2	CAs - IA (LQAU) Court Observation Score		80%	68	89%	9% positive score variance to target		88%
14.2.1	LPs - IA (LQAU) File Audit Score		85%	432	90%	5% positive score variance to target	90%	89%
14.2.2	LPs - IA (LQAU) Court Observation Score		85%	65	93%	8% positive score variance to target		92%
14.3.1	HCU LPs - IA (LQAU) File Audit Score		90%	24	94%	4% positive variance to target	92%	93%
14.3.2	HCU LPs - IA (LQAU) Court Observation Score		90%	9	96%	6% positive variance to target		96%
14.4.1	LP - Civil - IA (LQAU) File Audit Score		85%	60	90%	5% positive variance to target	90%	89%
14.4.2	LP - Civil - IA (LQAU) Court Observation Score		85%		-			-
15	**Community Outreach Programmes**							
15.1	- Prison Cells (total 331) Branding	331	100%	722	218%	Better than target	577	568
15.2	- Police Cells (total 913) Branding	913	100%	2,021	221%	Better than target	1,460	1,407
15.3	- Court (total 1,028) Branding	1,028	100%	1,730	168%	Better than target	1,367	1,357
15.4	- Community Events at Government Key Points (target 1,032)	1,032	100%	917	89%	Lower than target	696	1,077
FINANCIAL SUSTAINABILITY								
16	**Budget**			**2,132,346,958**			**2,077,873,157**	**2,062,468,682**
16.1	MTEF Allocation			2,033,188,000			1,958,883,000	1,970,973,000
16.2	Expenditure (% of budget)		98%	2,022,894,755	95%	3% lower than target	1,916,350,927	2,014,039,462
16.3	Payments (%) within 30 days							
16.3.1	Judicare		100%		99.10%	0.9% lower than target	81%	81%

Table 5: Legal Aid South Africa Corporate Dashboard (continued)

No.	INDICATOR	PERFORMANCE 2021-2022					PERFORMANCE PRIOR YEARS	
		Annual Target		Annual Performance			2020-2021	2019-2020
		Number	%	Number	%	Variance against Target	Number/%	Number/%
OVERALL PERFORMANCE								
16.3.2	Creditors		100%		97.32%	2.68% lower than target	98%	99%
17	**AFS Reporting Issues**							
17.1	Fraud Detected/ Reported						0	3
17.2	Unauthorised, Irregular, Fruitless, Wasteful Expenditure			53			28	25
17.3	Irregular Expenditure - Sheriffs						-	1,794
17.4	Financial Misconduct			52			18	18
18	**Supply Chain Management**							
18.1	BAC Meetings	12 or as required		17		On target	12	19
18.2	Business Continuity/ Crisis Contingency Plan - Meetings	2		43		Better than target	45	1
19	Board							
19.1	Meetings	4		4		On target	5	6
19.2	Training	2		3		On target	2	2
19.3	Board Positions Filled	14		13	93%		13	14
20	**Auditor-General Report**							
20.1	A-G Overall Report (2020/21)	Unqualified		Unqualified				Unqualified
20.2	A-G Matters of Emphasis/Mention (2020/21)	0		0				0
21	Internal Audit Reports							
21.1	IA Coverage - completed reports	Q1 & Q2: 118 Q3 & Q4: 113	95%	110	97%	Better than target	124	144
BUSINESS PROCESSES								
22	**System Availability (%)**		99%		99.98%	0.98% positive variance to target	100%	100%
23	**User Support (% calls within agreed time)**		90%		89.84%	0.16% negative variance to target	90%	82%

Table 5: Legal Aid South Africa Corporate Dashboard (continued)

No.	INDICATOR	PERFORMANCE 2021-2022					PERFORMANCE PRIOR YEARS	
		Annual Target		Annual Performance			2020-2021	2019-2020
		Number	%	Number	%	Variance against Target	Number/%	Number/%
OVERALL PERFORMANCE								
23.1	IT Security - viruses blocked at firewall		95%		100.00%	5% positive variance to target	100%	100%
23.2	Business Intelligence - available		99%		100.00%	1% positive variance to target	100%	100%
23.3	Disaster Recovery - tested successfully						Successfully tested	Successfully tested
23.4	WAN Availability		95%		99.95%	4.95% positive variance to target	97.95%	95.97%
EMPLOYEE & ORGANISATIONAL CAPACITY								
24	**Infrastructure**							
24.1	Local Offices (LOs)	64		64		Maintained	64	64
24.2	Satellite Offices (SOs)	64		64		Maintained	64	64
25	**Legal Staffing Recruitment (only LOs)**							
25.1	LPs (100% = 1,047 LPs)	1,047	95%	948	90.5%		945	990
25.2	CAs (100% = 504 CAs)	504	95%	488	96.8%		413	522
25.3	Legal Managers (100% = 337 posts)	337	95%	296	87.8%		307	309
25.4	Paralegals (100% = 170 posts)	170	95%	151	88.8%		157	158
26	**Staffing**							
26.1	Establishment (budgeted posts)			2,689			2,799	2,799
26.2	Number of Staff (recruited)		95%	2,468	91.8%	3.2% negative variance to target	2,426	2,571
26.3	Number of Legal Staff (including paralegals) (budgeted)			2,092			2,190	2,190
26.4	Number of Legal Staff (including paralegals) as % of Total Staff (recruited)			1,907	77%		1,871	2,025

Table 5: Legal Aid South Africa Corporate Dashboard (continued)

No.	INDICATOR	PERFORMANCE 2021-2022					PERFORMANCE PRIOR YEARS	
		Annual Target		Annual Performance			2020-2021	2019-2020
		Number	%	Number	%	Variance against Target	Number/%	Number/%
OVERALL PERFORMANCE								
26.5	Turnover excluding CAs & Temporary/Contract Staff		Less than 10%	21	5.2%	Better than target	5.3%	5.8%
27	**Employee Relations**							
27.1	Grievances	48	2% of Total Staff	16	0.6%	0.3% positive variance to target	12	22
27.2	Group Grievances			-			0	2
27.3	Disciplinary Hearings	60	2.5% of Total Staff	17	0.7%	1.8% positive variance to target	9	11
27.4	Disciplinary Matters	60	2.5% of Total Staff	11	0.4%	2% positive variance to target	10	25
27.5	New Labour Disputes	25	1% of Total Staff	5	0.2%	0.8% positive variance to target	3	5
28	**Staff Training**							
28.1	National Operations Training Unit	4 Courses		11	275%	Better than target	7	
29.1	Legal Staff (LO training/ Webinar hours)							
29.1.1	- CA (24 hours per CA)	12,528		18,690	149%	Better than target	13,269	10,282
29.1.2	- LP (Subject to needs profile)	9,438		20,061	213%	Better than target	18,085	12,157
29.2	Support Staff Training							
29.2.1	- Non-Legal Staff (3 strategic courses per functional area)	84		144	109%	Better than target	105	78
29.2.2	- Non-Legal Managers (3 strategic courses per functional area)	84		98	117%	Better than target	55	28
30	**Health & Safety**							
30.1	Injury on Duty	25	1% of Total Staff	12	0.5%	Better than target	5	21
30.2	HIV/AIDS - Voluntary Counselling and Testing (% staff tested)		30%	Cancelled due to budget constraints			Cancelled due to budget constraints	Cancelled due to budget constraints
31	**Employment Equity**							

Table 5: Legal Aid South Africa Corporate Dashboard (continued)

No.	INDICATOR	PERFORMANCE 2021-2022					PERFORMANCE PRIOR YEARS	
		Annual Target		Annual Performance			2020-2021	2019-2020
		Number	%	Number	%	Variance against Target	Number/%	Number/%
OVERALL PERFORMANCE								
31.1	Overall Total Staff (includes contract and temporary staff)			2,637			2,535	2,641
31.1.1	Blacks		91%	2,395	90.8%	0.2% negative variance to target	2,282	2,385
31.1.2	Africans		79%	2,010	76.2%	2.8% negative variance to target	1,904	1,970
31.1.3	Women		45%	1,452	55%	10% positive variance to target	1,384	1,444
31.1.4	People with Disabilities		2%	41	1.6%	0.4% negative variance to target	40	44
31.2	Senior Management			116			114	111
31.2.1	Blacks		91%	93	80.17%	10.83% negative variance to target	91	88
31.2.2	Africans		79%	77	66.4%	12.6% negative variance to target	74	70
31.2.3	Women		45%	49	42.24%	2.76% negative variance to target	47	43

Table 6: Legal Aid SA Corporate Dashboard Provincial Split

No.	INDICATOR	PERFORMANCE - 2021-2022											
		Annual Target		Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	North West	Northern Cape	Western Cape	Full Year
		Number	%	Number	Number	Number	Number	Number	Number	Number	Number	Number	Number
CLIENT COMMUNITY													
LO PERFORMANCE MONITOR													
1	**LO Performance Monitor National Average**		90%	94%	94%	95%	91%	95%	92%	94%	90%	94%	93%
2	**New Legal Delivery Matters/ Instructions (i.e., number of instructions to legal practitioners)**			53,595	30,373	63,519	54,406	18,616	22,432	19,141	15,154	77,905	355,141
2.1	Local Offices - Total New Matters	381,919		51,668	29,275	60,419	52,458	18,215	22,037	18,330	14,765	74,864	342,031
2.2	Judicare - Total New Matters			1,129	1,034	2,131	1,644	401	341	744	389	1,841	9,654
2.3	Co-operation Partners - Total New Matters			798	-	950	304	-	54	67	-	910	3,083
2.4	Agency Agreements - Total New Matters			-	64	-	-	-	-	-	-	290	354
2.5	Strategic Litigation			-	-	19	-	-	-	-	-	-	19
2.6	Pro Bono			9	5	13	5	23	5	14	11	5	90
2.7	Local Offices - New Criminal Matters	335,631		45,962	25,795	52,488	47,914	15,427	19,929	15,592	13,829	69,404	306,340
2.8	Judicare - New Criminal Matters			942	672	1,572	1,421	334	285	711	355	1,691	7,983
2.9	Co-operation Partners - New Criminal Matters			1								320	321
2.10	Agency Agreements - New Criminal Matters				64							290	354

Table 6: Legal Aid SA Corporate Dashboard Provincial Split (continued)

No.	INDICATOR	PERFORMANCE - 2021-2022											
		Annual Target		Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	North West	Northern Cape	Western Cape	Full Year
		Number	%	Number	Number	Number	Number	Number	Number	Number	Number	Number	Number
2.11	Strategic Litigation - New Criminal Matters												-
2.12	Pro Bono - New Criminal Matters			2	4	5	2	23	5	14	10	4	69
2.13	Local Offices - New Civil Matters	46,289		5,706	3,480	7,931	4,544	2,788	2,108	2,738	936	5,460	35,691
2.14	Judicare - New Civil Matters			187	362	559	223	67	56	33	34	150	1,671
2.15	Co-operation Partners - New Civil Matters			797		950	304		54	67		590	2,762
2.16	Agency Agreements - New Civil Matters												-
2.17	Strategic Litigation - New Civil Matters					19							19
2.18	Pro Bono			7	1	8	3				1	1	21
3	**Finalised Delivery Matters/ Instructions**			56,659	31,295	61,791	57,315	18,219	23,291	22,281	15,558	74,246	360,655
3.1	Local Offices - Finalised Matters		100% of new matters	54,836	30,049	59,528	55,508	17,986	22,988	21,502	14,832	72,002	349,231
3.2	Judicare - Finalised Matters			998	917	1,484	1,571	233	267	708	420	1,392	7,990
3.3	Co-operation Partners - Finalised Matters			825		764	236		36	71		785	2,717
3.4	Agency Agreements				329						306	67	702
3.5	Strategic Litigation					15							15
3.6	Pro Bono			41	27	15	2	13	3	11		2	114
4.1	**Criminal New Matters**			46,905	26,531	54,060	49,335	15,761	20,214	16,303	14,184	71,705	314,998

Table 6: Legal Aid SA Corporate Dashboard Provincial Split (continued)

No.	INDICATOR	PERFORMANCE - 2021-2022											
		Annual Target		Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	North West	Northern Cape	Western Cape	Full Year
		Number	%	Number	Number	Number	Number	Number	Number	Number	Number	Number	Number
4.2	**Civil New Matters**			6,690	3,842	9,440	5,071	2,855	2,218	2,838	970	6,200	40,143
5	**Children - Total Matters**			1,881	994	2,210	1,387	410	493	488	487	3,336	11,686
5.1	Children - New Criminal Matters			760	470	890	908	305	255	237	405	2,705	6,935
5.2	Children - New Civil Matters			1,121	524	1,320	479	105	238	251	82	631	4,751
EMPLOYEE & ORGANISATIONAL CAPACITY													
6	**Infrastructure**												
6.1	Local Offices (LOs)	64		10	6	10	10	5	4	7	3	9	64
6.2	Satellite Offices (SOs)	64		11	3	4	11	7	10	3	6	9	64
7	**Legal Staffing (Only LOs, excludes National Office)**												
7.1	LPs (100% = 1,047 LPs)		95%	168	71	189	150	64	69	59	37	141	948
7.2	CAs (100% = 504 CAs)		95%	70	33	116	88	32	28	26	16	79	488
7.3	Legal Managers (100% = 337 posts)		95%	48	28	50	49	24	18	23	13	43	296
8	**Staffing (Only LOs, excludes National Office)**												
8.1	Establishment (budgeted posts)			405	194	493	419	174	171	145	106	369	2,476
8.2	Number of Staff (recruited)		95%	374	184	464	365	167	150	143	87	337	2,271
9	**Budget per Province (Total excludes the National Office)**			**280,828,463**	**135,289,513**	**345,290,071**	**292,099,834**	**129,776,040**	**94,513,361**	**100,770,510**	**83,681,929**	**245,832,067**	**1,708,081,788**

Table 7: Annual Performance Report 2021-2022

Client, Community, Stakeholder And Shareholder Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicator	Audited Actual Performance 2019-2020	Audited Actual Performance 2020-2021	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
Objective 1	**Empowered clients and communities making informed choices about their legal matters, rights and responsibilities.**										
Outcome 1	**Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.**										
P1	**To deliver quality legal aid services in criminal matters that are client-focused, within available resources.**										
P1-1 (This relates to the reporting against the originally tabled Annual Performance Plan)	Access to criminal legal aid services	To cover all criminal courts as per our court coverage targets (DC =80%; RC =90%; HC = 100% legal aid matters), thereby protecting clients' rights to a fair trial.	Delivering quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.	Legal aid provided to qualifying accused persons.	Actual court coverage using Matter Activity Reports by internal practitioners. Planned coverage only for Judicare and Agency Agreement covered courts (excluding coverage via Judicare and Agency Agreements).	We had 86% planned coverage of DCs as at the end of FY 2019-2020. Our RC planned coverage at the end of FY 2019-2020 was 94%. Representation was provided in all matters that required legal aid in HCs.	We had 85% planned coverage of DCs as at the end of the 2020-2021 FY. Our RC planned coverage at the end of FY 2020-2021 was 94%. Representation was provided in all matters that required legal aid in HCs.	Average DC coverage: ≥ 80%. Average RC coverage: ≥ 90%. HC coverage: All legal aid matters covered.	Coverage in the DC was 84%. Coverage in the RC was 81%. All legal aid HC matters covered.	Due to the COVID-19 pandemic, the operations of courts have been negatively affected, resulting in many courts not operating as normal. Several provinces reported that their recording machines in some of the courts were not functional and this also attributed negatively to the functioning of the courts.	The possibility of using Integrated Court Management System (ICMS) data and physical court books to determine the actual days courts sat was considered, but there were concerns that it might be arduous to rely on external sources to audit the actual days courts sat. We subsequently, and during the course of the financial year, submitted a motivation to amend the APP line to 'planned court coverage'. This motivation was approved by the Board and the Executive Authority and subsequently tabled in Parliament.

Table 7: Annual Performance Report 2021-2022 (continued)

Client, Community, Stakeholder And Shareholder Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicator	Audited Actual Performance 2019-2020	Audited Actual Performance 2020-2021	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
Objective 1	**Empowered clients and communities making informed choices about their legal matters, rights and responsibilities.**										
Outcome 1	**Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.**										
P1	**To deliver quality legal aid services in criminal matters that are client-focused, within available resources.**										
P1-1 (This relates to the reporting against the revised Annual Performance Plan)	Access to criminal legal aid services	To cover all criminal courts as per our court coverage targets (DC =80%; RC =90%; HC = 100% legal aid matters), thereby protecting clients' rights to a fair trial.	Delivering quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.	Legal aid provided to qualifying accused persons.	Planned court coverage (District Courts and Regional Courts). Planned percentage coverage: High Court: Actual legal aid matters.	We had 86% planned coverage of DCs as at the end of FY 2019-2020. Our RC planned coverage at the end of FY 2019-2020 was 94%. Representation was provided in all matters that required legal aid in HCs.	We had 85% planned coverage of DCs as at the end of the 2020-2021 FY. Our RC planned coverage at the end of FY 2020-2021 was 94%. Representation was provided in all matters that required legal aid in HCs.	Planned Coverage Targets: Average DC coverage: ≥ 80%. Average RC coverage: ≥90%. HC coverage: All legal aid matters covered.	Planned coverage in the DC was 87.6%. Planned coverage in the RC was 94.4%. All legal aid HC matters covered.	No significant variances were identified.	N/A

Table 7: Annual Performance Report 2021-2022 (continued)

Client, Community, Stakeholder And Shareholder Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicator	Audited Actual Performance 2019-2020	Audited Actual Performance 2020-2021	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
Objective 2	**All indigent and vulnerable members of society have equal access to public-funded legal services to protect and defend their rights.**										
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.**										
P2	**Deliver quality civil legal aid services that are client-focused, with a priority for constitutional rights, within available resources.**										
P2-1	Access to civil legal aid services	Provide legal representation to clients in civil matters, thereby protecting clients' constitutional rights.	Delivering quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on constitutional rights.	Civil clients assisted within available capacity.	Civil legal aid delivery - number of clients assisted in civil matters.	In the 2019-2020 FY we took on 51,177 new civil matters through our various delivery models. This exceeds the target of 47,580 by 7.6% (3,597). Internal practitioners took on 45,034 new matters, which is 88% of the total new civil matters taken in. Co-operation/ Agency Partners took on 4,310 new civil matters which is 8.4% of the total new civil matters. 1,810 instructions were issued to Judicare which is 3.5% of the total new civil matters.	As at the end of the 2020-2021 FY, Legal Aid SA took in 27,818 new civil matters through its delivery mechanisms. This is 54% of the annual target of 51,118. Internal practitioners took in 24,684 new matters, which is 89% of the total new civil matters for the FY. Co-operation Partners took in 1,885 new matters, which is 7% of the total new civil matters taken in for the FY. We issued 1,241 civil instructions to Judicare legal practitioners, which is 4% of the total new civil matters for the FY. Eight new civil matters have been recognised as strategic litigation matters in the FY.	Total: 47,931. Internal: 45,173. Judicare: 1,120. Co-op: 1,638.	In the 2021-2022 FY we took in a total of 40,143 new matters through our various delivery models. This is 79% of the target of 50,705. Internal practitioners took in 35,691 new matters which is 89% of the total new civil matters taken in. Co-operation Partners took in 2,762 new civil matters which is 7% of the total new civil matters. 1,671 instructions were issued to Judicare practitioners which is 4% of the total new civil instructions to date. Strategic litigation took in 19 new civil matters in the FY.	The intake of new matters was impacted by the COVID-19 Regulations and Restrictions issued by Government in order to curb the spread of the virus. In this FY, the country had to deal with the 3rd and 4th waves and the organisation had to implement measures to manage the various stages we went through.	

Table 7: Annual Performance Report 2021-2022 (continued)

Client, Community, Stakeholder And Shareholder Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicator	Audited Actual Performance 2019-2020	Audited Actual Performance 2020-2021	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
P2-1							As at the end of the 2020-2021 FY, Legal Aid SA finalised a total of 35,502 civil matters through its various delivery mechanisms. This is 69.5% of the annual target of 51,118. Internal practitioners finalised 32,118 civil matters, which is 90.5% of the total civil matters finalised in the FY. Co-operation Partners finalised 2,320 civil matters, which is 6.5% of the total civil matters finalised for the FY. Judicare practitioners finalised 1,052 civil matters, which is 3% of the total civil matters finalised for the FY. Our Strategic Litigation Unit finalised 12 civil matters as at the end of the FY.		In the 2021-2022 FY we finalised 43,109 civil matters through our various civil delivery mechanisms. This is 85% of the year to date target of 50,690. Internal legal practitioners finalised 39,392 matters which is 91% of all civil matters finalised in the FY. Co-operation Partners finalised 2,431 matters which is 6% of all civil matters finalised. Judicare practitioners finalised 1,272 matters which is 3% of all civil matters finalised. Strategic litigation finalised 15 civil matters in the FY.	We finalised 7% more matters than what we took on in the FY. However, finalisation was still impacted as the country experienced the 3rd and 4th waves of the Coronavirus pandemic in the FY and remained under a State of Disaster.	

Table 7: Annual Performance Report 2021-2022 (continued)

Client, Community, Stakeholder And Shareholder Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicator	Audited Actual Performance 2019-2020	Audited Actual Performance 2020-2021	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
Outcome 3	**Quality client-focused legal advice services.**										
P3	**To deliver quality legal advice services that are client-focused, within available resources.**										
P3-1	Legal advice services	To provide legal advice to clients, thereby ensuring that clients are enabled to resolve their disputes.	Delivering quality client-focused legal advice services.		General legal advice services.	In the 2019-2020 FY, we assisted 266,055 clients with general advice. This is 42,105 (14%) less when compared to the previous FY. Local and satellite offices assisted 199,668 clients, which is 75% of the total clients assisted. RD paralegals assisted 27,379 awaiting trial or sentenced prisoners at Correctional Centres, which is 10.3% of the total clients assisted. The Legal Aid Advice Line assisted 39,008 clients with telephonic advice, which is 14.7% of the total clients assisted.	In 2020-2021, Legal Aid SA assisted 75,624 clients with general advice. The number of clients assisted at the local and satellite offices is 50,259. The number of clients assisted at correctional facilities is 2,303. The Legal Aid Advice Line assisted 23,062 clients.	276,444	In the 2021-2022 FY we assisted 132,410 clients with general advice. The number of clients assisted at local and satellite offices was 94,419. The number of clients assisted at correctional facilities was 8,875. The Legal Aid Advice Line assisted a total of 29,116 clients in the FY.	Legal advice is demand based. The 2021-2022 FY was still impacted by the Disaster Management Act Regulations issued by Government throughout the year as the country sought to combat the spread of COVID-19 through its different waves. General legal advice was impacted in that clients could not just walk in to local offices and had to make appointments through the Legal Aid Advice Line. For the first 7 months of the year, the Legal Aid Advice Line could only operate with 50% of their staff per week.	

Table 7: Annual Performance Report 2021-2022 (continued)

Client, Community, Stakeholder And Shareholder Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicator	Audited Actual Performance 2019-2020	Audited Actual Performance 2020-2021	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
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.**										
P4	**To undertake strategic litigation, particularly in social justice related matters in order to give content to the rights enshrined in the Constitution.**										
P4-1	Strategic litigation addressing social justice	Provide legal representation to clients in strategic litigation matters relating to constitutional and socioeconomic rights as well as the development of relevant jurisprudence within available budget at a ≥90% success rate.	Delivering 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.	Legal representation provided in strategic litigation matters.	Clients' access to strategic litigation services.	In 2019-2020, the Impact Litigation Unit assessed 49 matters for recognition as impact matters. The CCMC approved 25 new impact matters. A total budget of R5,428,179.70 was approved for the FY out of a budget of R6,855,352 for impact matters. This translates to 79.1% expenditure of the total annual budget. For the FY 2019-2020, 19 matters were finalised; 17 with outcomes, of which 15 matters were finalised with a positive outcome and 2 matters were finalised with a negative outcome.	The SLU assessed 32 matters and the CCMC approved 10 matters within the revised annual budget. The budget utilised was R2,943,635 from the revised annual budget of R3,795,420. This translates to utilisation of 77.5% of the revised a nnual budget. Thirteen matters were finalised in the FY. Eleven of these matters were finalised with a positive outcome, 1 was finalised without an outcome and 1 matter was finalised with a negative outcome. This translates to a 91% success rate for the FY.	100% budget utilised. ≥90% success rate.	YTD, the SLU has assessed 49 matters for approval by the CCMC as strategic litigation matters. Forty-one of these matters were submitted to the CCMC for approval as strategic litigation matters. The CCMC approved 19 as strategic litigation matters within the allocated annual budget of R5 million. The total approved budget for the FY is R3,889,074.05. This translates to a budget spend of 78% at the end of 2021-2022.	The approval of strategic litigation matters and/or budget depends soley on the discretion of the CCMC.	

Table 7: Annual Performance Report 2021-2022 (continued)

Client, Community, Stakeholder And Shareholder Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicator	Audited Actual Performance 2019-2020	Audited Actual Performance 2020-2021	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
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.**										
P4	**To undertake strategic litigation, particularly in social justice related matters in order to give content to the rights enshrined in the Constitution.**										
P4-1						One matter was finalised without an outcome because the funding agreement was not signed as accepting the terms thereof, and in 1 matter a client could not be found to challenge medical council legislation. This translates to an 88% success rate for the matters finalised with an outcome. Seven of the finalised matters were Legal Aid SA matters and 12 finalised matters were external service provider matters.			Fifteen strategic litigation matters were finalised; 13 of these matters were finalised with an outcome. Of these, 12 were finalised with a positive outcome and 1 was finalised with a negative outcome. Two matters were finalised without an outcome. This translates to a 93% success rate.		

Table 7: Annual Performance Report 2021-2022 (continued)

Client, Community, Stakeholder And Shareholder Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicator	Audited Actual Performance 2019-2020	Audited Actual Performance 2020-2021	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
Objective 3	**A fair, efficient and effective justice system that ensures equal access to justice for all.**										
Outcome 5	**Contribute to the effective functioning of the justice and legal sector, thereby promoting the rule of law and increasing access to justice.**										
P5	**To participate in justice cluster forums to contribute to improving the efficient functioning of the justice system to improve access to justice.**										
P5-1	Participate in National and Provincial Efficiency Enhancement Structures	To participate in efficiency enhancement structures, including the NEEC, PEECs and Dev Comm, thereby contributing to the effective functioning of the justice system, including monitoring the implementation of the CJS Review 7-point Plan.	Contributing to the effective functioning of the justice and legal sector, thereby promoting the rule of law and increasing access to justice.	Participation in National and Provincial Efficiency Enhancement Structures.	Participation in efficiency enhancement structures aimed at improving the functioning of courts and justice system.	Legal Aid SA is invited to NEEC and PEEC meetings that are arranged in order to advance the interests of the organisation, as well as contribute to the efficient operation of the justice system as a whole. Legal Aid SA attended the following meetings as at the end of the FY: NEEC meetings - 1; PEEC meetings - 33.	Legal Aid SA was invited to NEEC and PEEC meetings in order to advance the interests of the organisation, as well as contribute to the efficient functioning of the justice system. Only 5 PEEC meetings were held during the FY. No NEEC meetings were held during the FY.	Attendance at NEEC and PEEC meetings as per meeting schedules.	Legal Aid SA attends arranged NEEC and PEEC meetings by invitation, in order to advance the interests of Legal Aid SA, as well as contribute to the efficient operation of the justice system as a whole. 19 PEEC meetings were held during the FY to date and no NEEC meetings were scheduled.	The need for social distancing as well as remote working arrangements in the sector have had a negative impact on the ability of our stakeholders to schedule these meetings.	

Table 7: Annual Performance Report 2021-2022 (continued)

Client, Community, Stakeholder And Shareholder Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicator	Audited Actual Performance 2019-2020	Audited Actual Performance 2020-2021	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
Objective 4	**Delivering on our constitutional and statutory mandate thereby ensuring equal access to justice for all, in an independent, accountable and sustainable manner.**										
Outcome 6	**Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.**										
P6	**To account and provide assurance to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on performance, governance and sustainability.**										
P6-1	Reporting and accountability to the Executive Authority	Report to Executive Authority and Parliament on Legal Aid SA's performance for the four quarters in a financial year as well as for annual reports over the MTEF period.	Accounting to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.	Four quarterly performance reports; 1 Annual Report.	Accurate quarterly and annual reports submitted timeously to the Executive Authority.	In the 2019-2020 FY: Four Reports on Performance against Annual Performance Plan for 2019-2020 submitted to the EA. One Annual Report 2018-2019 was submitted to the Executive Authority, National Treasury, Auditor-General and tabled in Parliament timeously. Two briefing sessions of the Portfolio Committee were held in the 2019-2020 FY. Legal Aid SA responded timeously to all Parliamentary questions received.	During 2020-2021: Four Reports on Performance against Annual Performance Plan (Q1 2020-2021, Q2 2020-2021, Q3 2020-2021, Q4 2020-2021) submitted to the EA. One Annual Report 2019-2020 submitted to the EA. Four briefings of the Portfolio Committee held. Legal Aid SA responded timeously to all Parliamentary questions received.	Four quarterly performance reports submitted within 1 month of the end of the quarter. One Annual Report.	During 2021-2022: Four Reports on Performance against Annual Performance Plan (Q4 2020-2021, Q1 2021-2022, Q2 2021-2022, Q3 2021-2022) submitted to the EA. One Annual Report 2020-2021 submitted timeously to the EA. Three briefing sessions of the Portfolio Committee held. Legal Aid SA responded to all Parliamentary questions: 1972 on 27 August 2021, 427 on 2 March 2022 and 191 on 15 February 2022.		

Table 7: Annual Performance Report 2021-2022 (continued)

Finance and Sustainability Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
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.**										
Outcome 7	**Improve financial sustainability and manage the reductions to the budget.**										
P7	**To continuously improve financial planning (budgeting) including managing the budget cuts to ensure a balanced budget.**										
P7-1	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.	Approved balanced budget for 2019-2020 was loaded and operational effective 1 April 2019. Draft MTEF 2020/21-2022/23 prepared, approved by the Board at the July 2019 meeting. Final Allocation Letter confirmed that there are no budget cuts for financial year 2020-2021. The year end expenditure against budget is 98%.	The Board approved the MTEF for the period 2020/21-2022/23 in June 2019. The balanced budget for 2020-2021 was approved by the Board on 30 November 2019. The Board approved the Adjusted Legal Aid SA Budget 2020-2021 in November 2020 due to the NT request for entities to reduce their baseline with R104 million from the Compensation of Employees, as part of the Compensation of Employees reductions announced in the 2020 Budget Speech, which was tabled in Parliament during its October 2020 meeting.	Balanced budget (in consideration of Government grant allocation and available cash reserves for Legal Aid SA).	MTEF 2022/23-2024/25 was approved by the Board at the November 2021 meeting. Budget 2022/23 was approved by the Board at the February 2022 meeting.	No variance	

Table 7: Annual Performance Report 2021-2022 (continued)

Finance and Sustainability Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
P8	**Maintain strong and best practice financial management and reporting to ensure unqualified audit outcome and high financial maturity.**										
P8-1	Financial reporting	Financial reporting for a financial year timeously presented to National Treasury and the Office of the Auditor-General, which is compliant with relevant standards and regulations. To ensure no over-expenditure and under-expenditure ≤2% on the budget in the planned 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.	Draft Annual Financial Statements prepared and approved by the Audit Committee and Board in May 2019 and July 2019. External audit (2019) finalised and unqualified audit opinion was issued by the A-G. Mid-year Financial Statements considered by the Board at the November 2019 meeting. Draft Annual Financial Statements prepared and approved by the Board at the May 2020 meeting.	The Legal Aid SA mid-year Financial Statements 2020-2021 were prepared and approved by the Board at its November 2020 meeting. The Annual Financial Statements for 2020- 2021 were finalised and submitted to the A-G at the end of May 2021.	Annual and mid-year Financial Statements compliant with relevant standards and regulations.	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.	No variance	

Table 7: Annual Performance Report 2021-2022 (continued)

Finance and Sustainability Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
Objective 6	**Sustaining good governance, best practises and maintaining high ethical standards and integrity, high performance and accountability.**										
Outcome 8	**Maintain and enhance good governance.**										
P9	**To maintain best governance practices (PFMA compliance, King IV guidelines and other relevant statutory requirements).**										
P9-1	Compliance with statutory requirements	Governance practices within Legal Aid SA fully compliant with statutory requirements throughout each year.	Maintaining and enhancing good governance.	Monthly statutory compliance and deadlines exception listings; quarterly updated compliance provisions; quarterly Compliance Reports; six monthly updated Legislative Universe Reports.	Compliance with statutory requirements including Legal Aid South Africa Act 2014 and the PFMA.	Revised quarterly Compliance Checklists in place. Statutory compliance signed off by Executives. Quarterly Compliance Report presented to the Board.	The compliance universe was updated during the 2020-2021 financial year. Monthly Compliance Checklists were signed off by Executives and the Quarterly Compliance Reports were reviewed and noted by the Board.	Materially compliant with relevant legislation.	i. Compliance universe updated and confirmed annually by all Executives. ii. Monthly Legislative Compliance Checklist is signed off. iii. Quarterly Compliance Reports submitted. iv. Compliance Policy and SOP revised annually. v. Legislative Checklist updated whenever there are changes in legislation or new legislation is introduced.	No variance	

Table 7: Annual Performance Report 2021-2022 (continued)

Finance and Sustainability Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/ Output Indicators/ Annual Targets
P10	**Maintain and enhance independent monitoring and oversight providing combined assurance.**										
P10-1	Risk-based Audit Coverage Plan	Audit Coverage Plan of the organisation independently implemented from line functionaries/ management periodically throughout each year over the MTEF to provide independent assurance on governance, compliance in line with the internal control framework.	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.	One hundred and forty-four out of 148 audit projects were completed, resulting in a 97% achievement of the annual target as at the end of FY 2019-2020. An additional 6 projects were completed outside the approved coverage plan, translating to a total overall target achieved of 101%. One hundred and two projects were completed by General Audit; 23 projects completed by Computer Audit and 19 projects completed by Forensic Audit.	One hundred and twenty-four out of 130 Compliance Audit Reports were completed by the end of 2020-2021, resulting in 95% total achievement of the annual target. Six additional audit projects were completed outside the approved annual coverage plan which translates to the overall achievement of 100% (130 out of 130) total audit projects for the year. The 124 total reports comprise 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.	≥95% of Audit Coverage Plan delivered.	One hundred and ten out of 113 audit projects were completed, resulting in a 97% achievement of annual target as at the end of 2021-2022. Three additional projects were completed outside the approved Annual Coverage Plan resulting in the overall achievement of 100% of the annual target. Sixty-six projects were completed by the General Audit Unit; 20 projects were completed by the Computer Audit Unit along with 2 additional projects and 24 projects were completed by the Forensic Audit Unit along with 1 additional project.	General Audit: Fewer number of tenders submitted for review in Quarter 4. Forensic Audit: Unable to access information and relevant personnel for interviews in time.	

Table 7: Annual Performance Report 2021-2022 (continued)

Finance and Sustainability Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/ Output Indicators/ Annual Targets
P11	**An effective and strategic Board providing leadership and oversight of sustainable performance.**										
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 2014) and which is quorate 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.	Maintaining and enhancing good governance.	Board meetings as per schedule; governance instruments approved by the Board.	Skilled and effective Board and Board Committees.	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. The new Board was appointed by the MoJ in January 2019, effective 1 March 2019. It provided effective and strategic leadership and oversight of delivery on performance of Legal Aid SA. Board Committees were in existence and functioned effectively. Two additional Board meetings held on 29 June 2019 and 13 September 2019 bring the total number of Board meetings in 2019-2020 to 6.	As at the end of the 2020-2021 FY, the Board of Legal Aid SA was not fully constituted. Thirteen 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.	Four Board meetings. Board fully constituted, functioning Board Committees in place.	As at the end of 2021-2022, the Board of Legal Aid SA was not fully constituted. Thirteen 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.	The NOE retired on 31 January 2022 and his term on the Board automatically terminated. As at the end of Q4 of 2021-2022, the vacancy had not been filled.	

Table 7: Annual Performance Report 2021-2022 (continued)

Internal Business Processes Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
Objective 7	**Legal Aid South Africa's regulatory framework is responsive to the changing legal, social and economic environment.**										
Outcome 9	**Maintain a regulatory framework that incorporates best practises and is responsive to changes in the overall environment.**										
P12	**Ensure that the Legal Aid SA Act, Legal Aid Regulations (policy) and Legal Aid Manual (procedures) are reviewed to ensure relevance to changes in the environment.**										
P12-1	Legal Aid SA Act	To ensure a sound regulatory environment under which Legal Aid SA operates, thereby ensuring that the legal aid scheme is sustainable, transparent and fair. To ensure that the Regulations setting out legal aid policy are drafted and that the Legal Aid Manual setting out legal aid procedures is drafted for consideration by the new Board.	Maintaining a regulatory framework that incorporates best practices and is responsive to changes in the overall environment.	Legislative framework responsive to business needs.	Legal Aid SA founding legislation reviewed.	The amendments to the Legal Aid SA Act have been approved by the Board. These amendments were excluded by the DoJ&CD on the Judicial Matters Amendment Bill 2018. The amendments have been resubmitted to be considered for inclusion in the 2020 Judicial Matters Amendment Bill.	The Legal Aid SA Act was reviewed as required. There were still outstanding amendments that were to be included in the 2020 Judicial Matters Amendment Bill, but same remains outstanding.	Legal Aid SA Act reviewed once every 2 years or as and when required.	The amendments to the Legal Aid SA Act have been approved by the Board. These amendments were excluded by the DoJ&CD on the Judicial Matters Amendment Bill 2018. The amendments have been resubmitted to be considered for inclusion in a subsequent Judicial Matters Amendment Bill but same is still outstanding.	An amendment to the Legal Aid SA Act can only be introduced in Parliament by the Minister as the Executive Authority.	

Table 7: Annual Performance Report 2021-2022 (continued)

Internal Business Processes Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
P12-2	Legal Aid SA Act (2014) Legal Aid Regulations (Policy)			Policy framework responsive to business needs.	Legal Aid Regulations remain relevant and up to date.	The Regulations to the Act with regard to the Means Test were updated in the previous financial year. The revised Means Test came into operation on 29 March 2019. No further amendments to the Regulations were deemed necessary in the 2019-2020 financial year.	The Board submitted proposed amendments to the Regulations to the Executive Authority. The proposed amendments have been tabled before Parliament in Quarter 4. The Select Committee has been briefed on the proposed amendments which must still be considered by the Portfolio Committee.	Legal Aid Regulations reviewed at least once every 2 years or as and when required.	The Regulations to the Act were reviewed by the Board in 2020-2021 and the proposed amendments to the Regulations were tabled before Parliament for approval. Both the National Assembly and National Council of Provinces approved the amendments. The amendments were duly gazetted by the Minister and came into operation on 6 August 2021. Revised Judicare tariffs were approved by the Board in February 2022 with an increase of 4.02% which came into effect from 1 April 2022.		

Table 7: Annual Performance Report 2021-2022 (continued)

Internal Business Processes Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/ Annual Targets
P12-3	Legal Aid Manual (Procedures)			Organisational procedures remain relevant to business needs.	Legal Aid Manual updated.	Legal Aid Manual version 3 came into operation on 1 June 2019 and version 4 came into operation on 28 October 2019.	Version 5 of the Legal Aid Manual came into operation on 15 December 2020 after tabling in Parliament and gazetting by the Executive Authority.	Annual review of Legal Aid Manual or as and when required.	The Legal Aid Manual was reviewed by the Board and the proposed amendments to the Manual were approved. The proposed amendments were submitted to the Executive Authority on 2 December 2021. The amendments were gazetted on 9 March 2022 and will come into operation on 8 May 2022.		

Table 7: Annual Performance Report 2021-2022 (continued)

Internal Business Processes Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/ Annual Targets
Objective 8	**An effective, efficient, economic and environmentally responsive supply chain management system supporting client services delivery and internal business processes.**										
Outcome 10	**Sustain strong financial management, supply chain and asset management practises informed by best practise.**										
P13	**To maintain an efficient supply chain management framework and practices.**										
P13-1	Supply Chain Management	Maintaining 100% compliance with the PPPFA, PFMA and relevant NT regulations on administering procurement of goods and services and managing supply chain management processes.	Sustain strong financial management, supply chain and asset management practices informed by best practice.	Quarterly reports on acquisition of goods/services in excess of R0,5 million, indicating compliance with the PPPFA, PFMA and relevant NT regulations.	Compliance with the PPPFA, PFMA and relevant NT regulations.	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 the PPPFA, PFMA and relevant NT regulations were presented to the Board on a quarterly basis. Reports on quarterly tenders awarded including deviations were presented to the Board at its quarterly meetings.	The relevant legislation (PPPFA, PFMA and Treasury regulations) have been complied with, except in cases where irregular expenditure incurred was identified.	Implement Supply Chain Management Policy and ensure 100% compliance with relevant SCM prescripts.	Quarterly reports for procurement over R500,000 were submitted to the relevant authorities. However, non-compliance instances were identified that resulted in irregular expenditure. The irregular expenditure has been assessed and confirmed in line with the National Treasury Irregular Expenditure Framework that it is not fraudulent. Consequent management is still in progress. Once concluded, the Irregular Expenditure Report will be submitted to the National Treasury to request condonation.	Not fully compliant due to irregular expenditure incurred.	

Table 7: Annual Performance Report 2021-2022 (continued)

Employee and Organisational Capacity and Innovation and Learning Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
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.**										
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.**										
P14	**Appropriately staff all Legal Aid SA offices, within available resources.**										
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 (=95%), 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 ≥95%.	Staffing plans implemented timeously.	Staff recruitment at year end is at 91.9%. The staff turnover rate is at 5.78%.	The recruitment and staff turnover rates were recorded at 86.7% and 5.34%, respectively.	Recruitment levels at ≤96%.	Recruitment was recorded at 91.8%, which is 3.2% below target. Staff turnover was recorded at 5.24%.	The filling of frozen positions was approved in December 2021. Furthermore, the creation of the new Land Rights Management Unit impacted upon the vacancy rate.	

Table 7: Annual Performance Report 2021-2022 (continued)

Employee and Organisational Capacity and Innovation and Learning Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
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.**										
P15	**To strengthen and continuously improve the quality and expertise for each segment of the national footprint.**										
P15-1	Skills development	To develop a competent workforce capable of delivering strategic objectives and outcomes set in each year and accumulatively 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.	To strengthen and continuously improve the quality and expertise for each segment of the national footprint.	Annual Training Plan (ATP) and Annual Training Report (ATR) submitted to SASSETA in compliance with the Skills Development Act.	Submissions to comply with the Skills Development Act.	The Workplace Skills Plan (WSP) and ATR were submitted to SASSETA in Quarter 1 as per the statutory deadline, in compliance with the Skills Development Act.	Legal Aid SA submitted the following to SASSETA in April 2020: i. WSP. ii. ATP.	Submission of the WSP and ATR in compliance with the Skills Development Act.	WSP and ATR submitted on 30 April 2021.		

Table 7: Annual Performance Report 2021-2022 (continued)

Employee and Organisational Capacity and Innovation and Learning Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/ Output Indicators/ Annual Targets
P15-2	Employment Equity			Diverse workforce in line with annual targets to achieve employment equity goals; Employment Equity (EE) Plan and Reports.	Targets defined nationally per performance, per office and per Department as per approved EE 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. Disability recruitment grew from 0.9% to 1.67%, of a target of 2%. Coloured Females in Top and Senior Management and Indian Males in the Skilled and Semi-skilled levels are also a challenge as these groups are underrepresented.	Legal Aid SA implemented the EE targets as per the approved EE Plan 2020-2025. There was an improvement in the attraction of African Females to the Senior Management level, with a movement from 19 to 22 of the target of 34 in the EE Plan. Top Management is around the target. The attraction of employees with disability remains a challenge. The organisation is currently sitting at 1.58% of the 2% Department of Labour and Employment and Employee Assistance Programme target. The attraction of African Females and employees with disability will be hastened. Strategies to retain and attract them will be developed.	Implementation of the approved EE Plan 2020-2025.	Overall, females are above the target in all races, whereas African Males, Coloured Males, Indian Males and people with disabilities are underrepresented. African Females are underrepresented at the Top Management, Senior Management and Professional levels. African Females are above the target at the lower levels.	At Senior Management level, African Females are below the target due to senior management positions historically being occupied by White Males and Females. The demographics are gradually changing as and when the positions become vacant. The organisation is prioritising the attraction of African Females and persons with disabilities when positions become available or vacant.	

Table 7: Annual Performance Report 2021-2022 (continued)

Employee and Organisational Capacity and Innovation and Learning Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/Output Indicators/Annual Targets
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.**										
Outcome 13	**Enhance and maintain an integrated and service and client-oriented and secured Information Technology system with capacity to integrate stakeholders.**										
P16	**Annual review and approval of IT strategy, IT architecture framework, IT maturity and IT policies with continuous maturity assessments for competitive advantage.**										
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 and secured 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) and Virtual Private Network (VPN).	Average network availability was 95.54% in 2019-2020. This is in line with the performance target of 95%.	Average WAN availability was 97.95% in 2020-2021, which is 2.95% above the target of 95%.	Employ Software Defined Network.	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.		
P16-2	IT Hardware			Hardware available to support, maintain and sustain business needs.	Stable hardware platform able to meet performance and availability delivery.	Average server availability for 2019-2020 was 99%, which is in line with the performance target.	Average server availability was 99.97% in the FY, which was 0.97% above the appetite level. Six new servers were procured and installed on the production environment. Eighty asset verification scanners were procured and configured for operation. Ten floor switches were procured and distributed to local offices.	IT hardware capacity aligned to business needs and available 99% of the time.	The average server availability was 99.98%, which is 0.98% above the target of 99%. Two servers and Storage Area Network were procured in 2021-2022 to replace the outdated server as per the Capital Asset Replacement Programme.		

Table 7: Annual Performance Report 2021-2022 (continued)

Employee and Organisational Capacity and Innovation and Learning Programmes Per Strategy											
Objectives/ Outcomes/ Programme No.	Programme	Programme Purpose	Outcome	Output	Output Indicators	Audited Actual Performance 2019-2020	Audited Actual Performance 2021-2022	Planned Annual Target 2021-2022	Delivery	Variance and Reason for Deviation	Reason for Revisions to the Outputs/ Output Indicators/ Annual Targets
P16-3	IT Software and Applications			Updated, reliable and dependable IT software and applications responsive to business needs.	Maintain and upgrade IT software and applications.	i. The eLAA system was supported and maintained, with 12 bug fixes implemented. ii. 76.12% of all offices migrated to the newer technologies. iii. Thirty local offices upgraded to 10Mbps (Megabits per second). iv. Disaster recovery conducted in Quarter 1 and Quarter 3 of the FY. v. Average systems availability at 98%. vi. Cybersecurity assessment conducted and risks identified with the proposed roadmap.	Thirty-seven eLAA system bugs developed, tested and deployed. eLAA and SYSPRO integration re-designed for better performance. Seven eLAA Release 2 modules developed, tested and deployed. Nineteen 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.	IT software upgrade roadmap in place. Develop Legal Aid SA mobile application.	Land matters specifications are under development for retrofitting 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.		
P16-4	Cybersecurity			Resilient cybersecurity environment.	Develop and maintain organisational cybersecurity metrics.	Develop Cybersecurity Governance Framework.	Cybersecurity Strategy reviewed and approved by the Board. Cybersecurity Risk Register compiled, with mitigation measures effective. Business case was developed and approved by the ISSC for laptop encryption tool to be installed on all laptops.	Continuous vulnerability assessment and remediation.	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 ISSC in 2021-2022.		

7. LEGAL AID SA'S RESPONSE TO PRIORITISING WOMEN, YOUTH AND PEOPLE WITH DISABILITIES

Diversity gives us a competitive advantage and aids in decision-making and problem solving to provide the best solutions for our clients. We promote an inclusive, bias-free culture and deliver on our commitment to transformation and equal opportunity through our Employment Equity Policy for Legal Aid SA, our human rights and group ethics policies, as well as other compliance policies that embrace good governance principles.

The organisation prioritises the recruitment of women in all positions, as is evident with 55% of the organisational workforce being women and representative of all South African nationalities.

Legal Aid SA actively drives inclusivity and supports a network of female leaders across all levels of the entity to champion impactful changes to ways of working for the benefit of female talent. By expanding inclusivity programmes to all business units, Legal Aid SA develops and accelerates high-performing female talent. The following future initiatives demonstrate organisational transformation efforts:

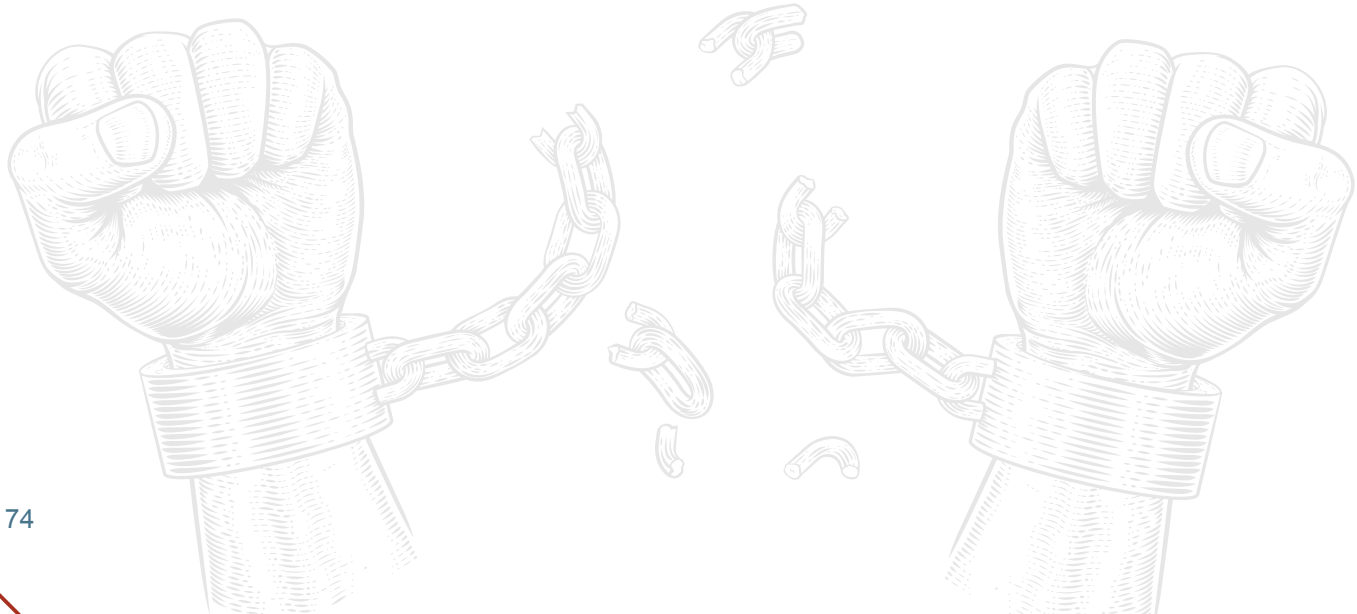
a) The Advancing Women Mentorship Programme pairs top Female Senior Managers in teams with Executive-level mentors across the organisation, focusing on enhancing their management skills, connecting them with female role models in the legal fraternity and exposing them to broader aspects of the organisation.

b) Legal Aid SA afforded women a platform to accelerate their succession plans and career paths by providing relevant development opportunities and motivating individuals to own their development paths. The entity extended support to these women through mentorship programmes, stretch assignments, training courses and webinars.

To empower the youth, Legal Aid SA is conducting career awareness at all universities in South Africa. Furthermore, the organisation has recruited over 500 Candidate Attorneys between the ages of 18-35 years, which comprises 20% of the workforce.

People with Disabilities (PwD) are important in the organisation. Currently, as per the 2020-2025 Legal Aid SA Employment Equity Plan targets, the entity had achieved 1.6% of the 2% set target, which is above the national status of 1.4%. Furthermore, Legal Aid SA has a specialised recruitment drive for PwD which is part of the recruitment policy and sees the organisation give preference to PwD candidates in recruitment processes.

The dangerous sport of drifting in motor vehicles is gaining popularity in South Africa, where it is known as 'spinning'. The spinning of vehicles even takes place at dignified ceremonies such as funerals. A Candidate Attorney at the Legal Aid SA Pinetown Local Office represented a client who was charged with reckless and negligent driving. The State alleged that the accused had been spinning his vehicle during a funeral at a cemetery, thereby endangering the safety of mourners at the cemetery. The State relied on the evidence of two witnesses, who unfortunately contradicted each other. The first witness testified that the accused drove his vehicle recklessly and was spinning it in a manner that endangered the safety of those at the cemetery. The second witness testified that the accused was revving his vehicle, which led to them believing he will end up spinning the vehicle. They therefore approached him to speak to him to prevent this from happening. Based on these contradictions, our Candidate Attorney was able to secure a discharge of her client.



8. REVENUE COLLECTION

Table 8: Linking Performance with Budgets

Programme/ activity/ objective	Description	2020-2021			2021-2022		
		Budget	Actual Expenditure	(Over)/Under Expenditure	Budget	Actual Expenditure	(Over)/Under Expenditure
Programme 1	To deliver quality legal aid services in criminal matters that are client-focused, within available resources	1,138,844,538	1,089,058,837	49,785,701	1,177,700,639	1,176,822,191	878,448
Programme 2	Deliver quality civil legal aid services that are client-focused, with a priority for constitutional rights, within available resources	190,089,052	132,157,625	57,931,427	191,572,452	142,807,735	48,764, 717
Programme 3	To deliver quality legal advice services that are client-focused, within available resources	114,223,261	104,687,207	9,536,054	117,217,753	113,123,575	4,094,179
Programme 4	To undertake strategic litigation, particularly in social justice related matters in order to give content to the rights enshrined in the Constitution	16,788,622	4,479,051	12,309,571	8,225,755	4,840,002	3,385,753
Programme 5	To participate in justice cluster forums to contribute to improving the efficient functioning of the justice system to improve access to justice	6,427,153	6,427,153	-	7,095,648	6,945,094	150,554
Programme 6	To account and provide assurance to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on performance, governance and sustainability	31,958	31,958	-	35,796	34,533	1,262
Programme 7	To continuously improve financial planning (budgeting) including managing the budget cuts to ensure a balanced budget	3,189,540	3,189,540	-	3,573,157	3,446,573	126,584
Programme 8	Maintain strong and best practice financial management and reporting to ensure unqualified audit outcome and high financial maturity	6,606,677	5,059,761	1,546,916	6,779,879	5,467,509	1,312,370
Programme 9	To maintain best governance practices (PFMA compliance, King IV guidelines and other relevant statutory requirements)	3,108,850	3,108,850	-	3,390,352	3,359,381	30,971
Programme 10	Maintain and enhance independent monitoring and oversight providing combined assurance	20,125,722	18,381,180	1,744,542	20,653,340	19,862,453	790,887
Programme 11	An effective and strategic Board providing leadership and oversight of sustainable performance	776,160	776,160	-	996,508	838,708	157,800
Programme 12	Ensure that the Legal Aid SA Act, Legal Aid Regulations (policy) and Legal Aid Manual (procedures) are reviewed to ensure relevance to changes in the environment	1,917,919	1,917,919	-	2,268,200	2,072,478	195,722
Programme 13	To maintain an efficient supply chain management framework and practices	21,199,707	17,154,262	4,045,445	21,755,482	18,536,663	3,218,819
Programme 14	Appropriately staff all Legal Aid SA offices, within available resources	452,446,849	409,813,701	42,633,148	464,308,256	442,839,120	21,469,136
Programme 15	To strengthen and continuously improve the quality and expertise for each segment of the national footprint	57,707,395	32,489,502	25,217,893	59,220,260	35,107,715	24,112,545
Programme 16	Annual review and approval of IT strategy, IT architecture framework, IT maturity and IT policies with continuous maturity assessments for competitive advantage	44,389,754	43,301,511	1,088,243	47,553,482	46,791,025	762,457
		2,077,873,157	**1,872,034,218**	**205,838, 939**	**2,132,346,958**	**2,022,894,755**	**109,452,203**

Table 9: Summary of Financial Information

Revenue collection

Sources of revenue	2021-2022			2020-2021		
	Original Estimate	Actual Amount Collected	Over/(under) Collection	Original Estimate	Restated Actual Amount Collected	Over/(under) Collection
Grant	2,022,188,000	2,066,188,000	44,000,000	2,086,096,000	1,958,883,000	(127,213,000)
Services in kind - office rental		1,145,580	1,145,580		1,117,740	1,117,740
Interest	21,000,000	27,148,001	6,148,001	20,000,000	24,005,694	4,005,694
Commission and legal fees received/ recovered		22,554	22,554		57,227	57,227
Profit on disposal of assets		1,755,240	1,755,240		441,013	441,013
Sundry income		8,651,867	8,651,867		8,936,202	8,936,202
	2,043,188,000	**2,104,911,242**	**61,723,242**	**2,106,096,000**	**1,993,440,876**	**(112,655,124)**

Note:

1. *The over collection of R44 million is as a result of a transfer of the Land Rights Management Unit to Legal Aid SA with a budget of R33 million and the new Special Commercial Crimes Court funding of R11 million.*
2. *The R6,1 million interest is additional interest received from the Reserve Bank - Corporation for Public Deposits (CPD) on funds invested. This is due to invested funds which are higher than anticipated.*
3. *The amount of R1,7 million is profit realised from the sale of old and fully depreciated assets disposed of during the 2021-2022 financial year.*
4. *The R8,6 million surplus which is included in the sundry income is mostly recoveries from other operations.*

Programme expenditure

The Budget is in terms of the cash basis while the expenditure is on the accrual basis.

Programme name	2021-2022			2020-2021		
	Budget	Actual expenditure	(Over)/under Expenditure	Budget	Actual expenditure	(Over)/under Expenditure
Client, Community, Stakeholders and Shareholders	1,527,784,068	1,394,291,290	133,492,777	1,466,404,584	1,340,296,582	126,108,002
Finance and Sustainability	35,222,011	32,476,362	2,745,649	33,806,949	30,515,491	3,291,458
Business Processes (Internal)	24,085,264	21,980,772.80	2,104,492	23,117,627	19,072,182	4,045,445
Employee and Organisational Capacity and Innovation and Learning	577,755,617	527,273,220	50,482,397	554,543,998	485,617,191	68,926,807
	2,164,846,960	**1,976,021,645**	**188,825,315**	**2,077,873,157**	**1,875,501,445**	**202,371,712**
Judicare commitments	-		-	-	47,863,040	(47,863,040)
	2,164,846,960	**1,976,021,645**	**188,825,315**	**2,077,873,157**	**1,923,364,485**	**154,508,672**

Note:

1. *The R189 million under expenditure is due to commitments of R33 million for the Land Rights Management Unit that was received in April 2022; R3,5 million from the IJS; R13,9 million of which rollovers have been requested and savings from operations and salaries of R136 million as there was a moratorium placed on recruitment due to the budget cut and some programmes could not proceed due to the suspension of procurement by the National Treasury Note.*

Table 9: Summary of Financial Information (continued)
Capital investment, maintenance and asset management plan

Infrastructure projects/ capital assets	2021-2022			2020-2021		
	Budget	Actual expenditure	(Over)/under Expenditure	Budget	Actual expenditure	(Over)/under Expenditure
Building improvements	1,044,259	321,285	722,974	2,686,210	1,695,351	990,859
Computer hardware	33,046,990	23,874,521	9,172,469	27,295,736	13,455,396	13,840,340
Computer software	7,922,931	4,994,906	2,928,025	12,103,548	6,157,937	5,945,611
Furniture and equipment	1,338,087	625,718	712,369	1,037,069	683,491	353,578
Leasehold improvements	1,346,287	579,281	767,006	7,423,443	4,124,581	3,298,862
Motor vehicles	25,566,354	17,567,288	7,999,066	33,302,699	19,593,638	13,709,061
Land and buildings	-	-	-	-	11,255,833	-11,255,833
	70,264,908	**47,962,999**	**22,301,909**	**83,848,705**	**56,966,227**	**26,882,478**

Note:

1. *The under expenditure in computer hardware is due to orders that were not delivered at the end of the financial year. The amount of R2,9 million has been requested as a rollover.*
2. *The under expenditure on leasehold and buildings improvements is due to refurbishments on newly acquired buildings and on leased buildings which could not be finalised by the end of the financial year.*
3. *The under expenditure on motor vehicles is as a result of vehicles ordered but not yet delivered by the end of the financial year. The amount of R7,9 million has been requested as a rollover.*
4. *The under expenditure on computer software is due to the ongoing development of the eLAA system; Phase 2 is envisaged to be completed by the end of 2022-2023.*

Very often people think the person with the most money will be the one who wins the case or that if you have money you can buy justice. Every day, Legal Aid SA dispels this thought with the work we do. Our client is a 44-year-old female currently in her third year of Medicine studies at Walter Sisulu University. She is married out of community of property and divorce proceedings are pending at the High Court. Our client's husband is a well-known doctor. Our client has been struggling financially as her husband stopped supporting her. She had a financial investment with Provisional Provident Society and approached them as she wanted to make use of the monies – an amount of R30,013.40 that had accrued in the account. Provisional Provident Society paid out the monies but paid it into the account of the husband who refused to pay the monies to our client. She feared that her husband might spend the money and approached Legal Aid SA for assistance to get access to the monies. The legal practitioner immediately drafted papers for an urgent application to freeze the clients' husband's account and made all the arrangements to have the matter heard on an urgent basis. We successfully argued the matter and the Court granted the order to freeze the bank account until all monies due to our client is paid. As soon as the order was served on the client's husband, he immediately contacted our office to make arrangements to pay the money over to our client. Our client received the monies and was very happy that her rights to her property were protected even if she does not have the financial resources that her husband has.

8.1. CAPITAL INVESTMENTS

Table 10: Capital Investments

Infrastructure planned for the year 2021-2022 and their progress as at 31 March 2022

2021-2022				Comments
Infrastructure projects	Budget	Actual expenditure	Over/under expenditure	
	R'000	R'000	R'000	
Land and buildings	-	-	-	N/A
Building improvements	1,044,259	321,285	722,974	Projects were implemented as per the Infrastructure Plan, however there were projects which could not be finalised due to challenges encountered by the service providers. The remaining funds have been requested for rollover to the new financial year to finalise these projects.
Computer hardware	33,045,319	23,874,521	9,172,469	Computer hardware is implemented according to the Capital Asset Replacement Programme. There was, however, computer equipment procured which could not be delivered by the end of the financial year due to challenges in the global supply chain for technological units. The funds to finalise the procurement have been requested for rollover.
Computer software	7,922,931	4,994,906	2,928,025	The computer software budget included the eLAA software development budget. The eLAA software development of Phase 2 commenced later than envisaged and is still not complete due to challenges with the service provider. The remaining funds have been requested as rollover to be used to finalise the project.
Furniture and equipment	1,338,087	625,718	712,369	The furniture and equipment was procured as per the budgeted amount, however there were items procured which could not be delivered by the end of the financial year and the funds have been requested as rollover.
Leasehold improvements	1,346,287	579,281	767,006	The leasehold improvements were implemented as per the Procurement Plan however there were refurbishments which commenced but could not be finalised by the end of the financial year and funds to finalise these refurbishments have been requested as rollover. There were also delays in finalising some of the office leases which delayed the commencement of the refurbishments.
Motor vehicles	25,566,354	17,567,288	7,999,066	Motor vehicles were budgeted for and procured according to the Capital Asset Replacement Programme. There were vehicles ordered before the end of the financial year however delivery could not be finalised due to limitation of stock for some of the areas. The remaining funds have been requested for rollover to the 2022-2023 financial year to finalise the procurement.
	70,264,908	**47,962,999**	**22,301,909**	

8.2. PROJECTS IN PROGRESS AND FACILITIES TO BE CLOSED DOWN

The eLAA infrastructure project is currently in progress, with an expected completion date of end of 2022-2023.

There are currently no plans to close or downgrade any of the current facilities Legal Aid SA is using, however there is a continuous review of these facilities.

8.3. MAINTENANCE OF INFRASTRUCTURE

Legal Aid SA incurred R6,6 million towards the maintenance of infrastructure. A total amount of R834 thousand was incurred for building maintenance; R3,5 million for maintenance of motor vehicles and R2,3 million for maintenance of office equipment. All the maintenance projects planned for the financial year 2021-2022 were finalised by the end of the financial year.

8.4. ASSETS DISPOSED, SCRAPPED AND LOST DUE TO THEFT

Disposals of assets at Legal Aid SA is processed as per the Fixed Assets Policy on the lifespan of each asset category or when damaged beyond repair. The total disposals for the financial year 2021-2022 was R2,8 million, of which R2,2 million was for motor vehicles, R380 thousand for computer hardware and R76 thousand for furniture and equipment. There were no assets scrapped or lost due to theft.

The Supervisory Legal Practitioner based at the Legal Aid SA Phalaborwa Satellite Office assisted an accused person suffering from a mental disability, even though he was not one of our clients. He had elected to represent himself against the advice of the Magistrate. The accused, who was clearly of unsound mind, was charged with immigration offences and had been appearing in court for over a year. His case was postponed several times for mental observation, due to the unavailability of bed space. During one of his appearances, the prosecutor requested yet another postponement. Touched by the plight of the accused, our practitioner volunteered his services to him. The practitioner objected to the request for a further remand, as the accused was clearly being prejudiced by the endless postponement of the case. The case was struck from the roll.

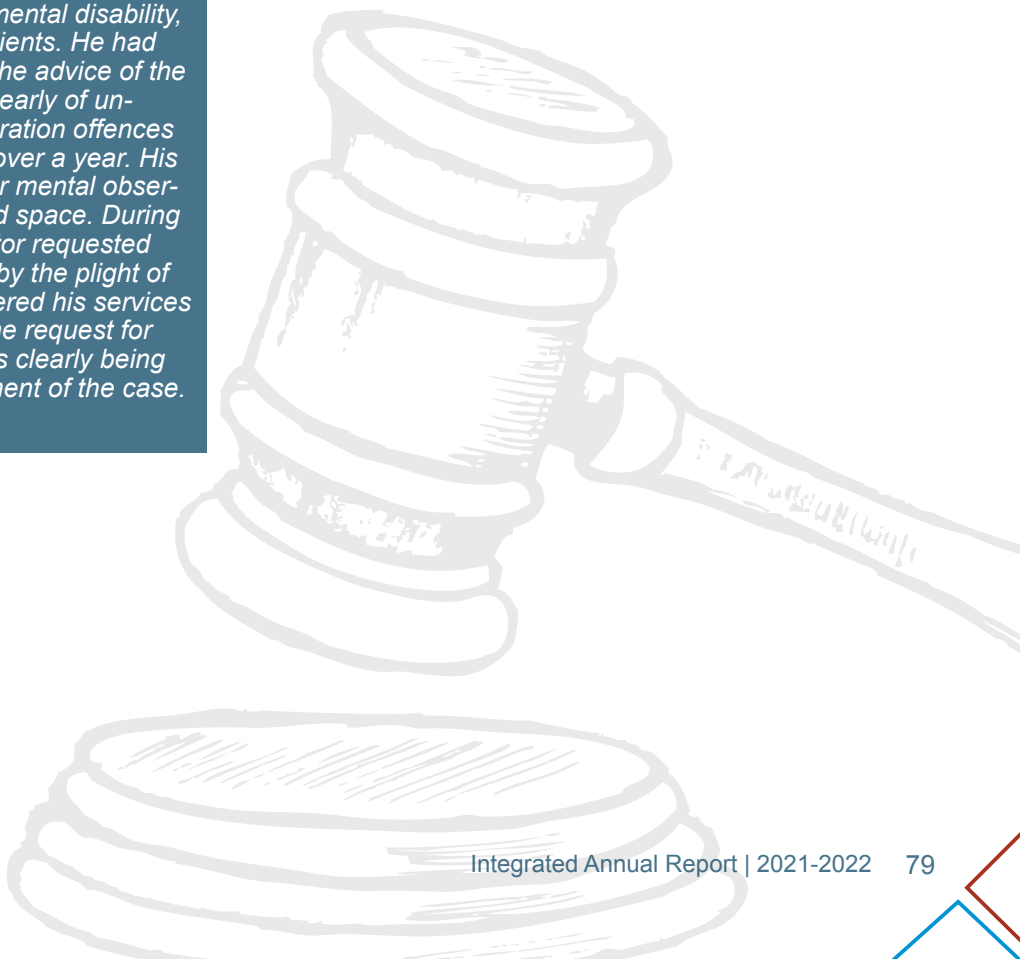
8.4.1. Maintenance of Asset Register

The Legal Aid SA Fixed Assets Register which is on the SYSPRO financial system is monitored through quarterly verification of fixed assets and all redundant assets are reported and thereafter disposed. Assets which are due for disposal but are still in use are moved to the Tools and Equipment Register. The Tools and Equipment Register is also part of the Fixed Assets Register verification process.

8.4.2. Major maintenance projects that have been undertaken during the period under review

All the maintenance of assets undertaken in the financial year 2021-2022 are part of the day-to-day maintenance of the infrastructure.

There was no maintenance backlog in the year under review at the end of 2021-2022.



4 March 2022

MEDIA STATEMENT

LEGAL AID SA CHALLENGES THE CONSTITUTIONALITY OF SECTION 15 OF THE EXTENSION OF SECURITY OF TENURE ACT 62 OF 1997

The newly established Land Rights Management Unit within Legal Aid South Africa (Legal Aid SA) has instructed a private attorney to represent farm occupiers and challenge the constitutionality of section 15 of the Extension of Security of Tenure Act 62 of 1997 (ESTA).

This is in line with Legal Aid SA's additional mandate to provide legal representation and mediation services in land related disputes, for those who are not able to afford the cost of their own legal representation.

Capespan Agri (Pty) Ltd trading as Applethwaite Farm brought an application in the Land Claims Court for the immediate eviction of Patricia Matthys, Patricia Swartland and Danvino Jemaine Swartland from the property known as portions 12, 13 and 22 of the farm Van Aaries Kraal situated in the Western Cape.

On 10 February 2022, the Land Claims Court granted the eviction order. The order states that: "Pending the grant of a final eviction order [Patricia Matthys, Patricia Swartland and Danvino Jemaine Swartland] and all those holding title under them, are evicted from the property known as portions 12, 13 and 22 of the farm Van Aaries Kraal, farm number 455, Caledon RD, Western Cape, also known as Applethwaite as contemplated in section 15 of the Extension of Security of Tenure Act 62 of 1997".

The application for eviction was brought due to allegations of assault of one of the farm occupiers by Patricia Swartland and Danvino Jemaine Swartland. The criminal case was opened by the farm occupier against Patricia Swartland and Danvino Jemaine Swartland. Danvino Jemaine Swartland then opened a criminal case against the farm occupier.

Section 15 of the ESTA allows the courts to grant the order for the immediate removal of any occupier from land, pending the outcome of proceedings for a final order. It provides that: "Notwithstanding any other provision of this Act, the owner or person in charge may make urgent application for the removal of any occupier from land pending the outcome of proceedings for a final order, and the court may grant an order for the removal of that occupier if it is satisfied that— (a) there is a real and imminent danger of substantial injury or damage to any person or property if the occupier is not forthwith removed from the land; (b) there is no other effective remedy available; (c) the likely hardship to the owner or any other affected person if an order for removal is not granted, exceeds the likely hardship to the occupier against whom the order is sought, if an order for removal is granted; and (d) adequate arrangements have been made for the reinstatement of any person evicted if the final order is not granted".

This section does not make provision for the courts to consider the availability of suitable alternative accommodation for the occupier before granting the order for the immediate removal of the occupier. This is not in line with section 26(3) of the Constitution, which provides that: "No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions".

The availability of suitable alternative accommodation is one of the relevant circumstances to be considered in all eviction matters. In several cases, the Constitutional Court has held that if there is a risk that the occupier will be rendered homeless when evicted, the Municipality must provide alternative accommodation.

Furthermore, the ESTA was promulgated to give effect to section 25(6) of the Constitution: "A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress".

Legal Executive: Land Rights Management, Mr Thabiso Mbhense, says: "If Patricia Matthys, Patricia Swartland and Danvino Jemaine Swartland are successful in this challenge, the judgment will have a significant impact on the lives of all farm occupiers in South Africa".

– Ends –

PART C
GOVERNANCE

13 **Accounting Authority**
of 14 member Board

Stable governance framework, responsive to challenges

100% **Assurance**
Audit Coverage Plan completed by Internal Audit

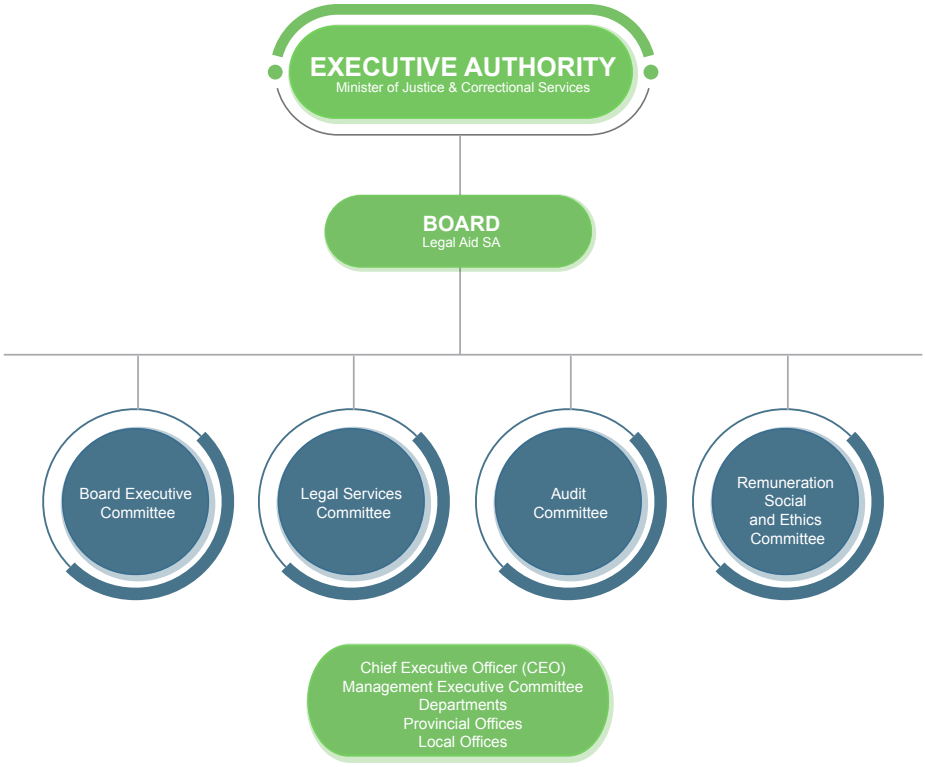
37 **Fraud Prevention and Management**
matters reported

GOVERNANCE

1. INTRODUCTION

The Legal Aid South Africa Act 39 of 2014 clearly articulates the governance structure of the Board of Legal Aid SA as well as its responsibilities and accountability. The fiduciary responsibilities, stewardship duties and corporate governance roles of the Board and Board Committees are vested in their charters in accordance with section 49 of the Public Finance Management Act (PFMA).

The graphic below summarises the governance structure of the Board:



The Board exercised due care and oversight to undertake its functions in the year under review, despite challenges. The Board's commitment to this governance framework has enabled the organisation to manage the rough environment of budgetary reductions, as well as the COVID-19 pandemic and its negative impact on service delivery, particularly for the indigent and vulnerable people of South Africa.

2. PORTFOLIO COMMITTEE

Legal Aid SA was invited and appeared in three briefings of the Portfolio Committee on Justice and Correctional Services as follows:

i. 6 May 2021: Legal Aid SA Strategic Plan 2020-2025, Annual Performance Plan 2021-2022 and the 2021-2022 Budget.

ii. 12 May 2021: Briefing on Regulations (Legal Aid SA).

iii. 19 November 2021: Legal Aid SA Integrated Annual Report 2020-2021.

The entity also responded timeously to all Parliamentary questions received during the 2021-2022 financial year, namely question 1972 on 27 August 2021, 427 on 2 March 2022 and 191 on 15 February 2022.

3. EXECUTIVE AUTHORITY

Legal Aid SA continued to be accountable to the Minister of Justice and Correctional Services (Minister) as required in the year under review.

The Legal Aid SA Annual Performance Plan 2021-2022 was submitted to and approved by the Minister and tabled in Parliament on 15 March 2021. The reporting on the Annual Performance Plan 2021-2022 was done through quarterly performance reports, to provide updates to the Minister on the implementation of the Annual Performance Plan 2021-2022.

The output indicator for Programme P1-1 for both the District and Regional Courts in the past financial years was based on planned court coverage. Having put considerable effort into the methodology to determine actual court coverage, in the compilation of the Annual Performance Plan 2021-2022, the output indicator was changed from Planned Court Coverage to Actual Court Coverage.

Management saw the need to revise the methodology used to calculate actual court coverage. Since we are unable to obtain verifiable information from an external source (to verify the denominator element of the calculation; the actual number of days a court sat) and to prevent an audit finding on this indicator, a report was tabled at the Board meeting held on 27 November 2021 recommending that the output indicator for Programme 1-1 be changed.

The Board approved that the output indicator for Programme 1-1 (Access to criminal legal aid services), which currently reads as "Actual court coverage using Matter Activity Reports by internal practitioners; Planned coverage only for Judicare and Agency Agreement covered Courts (excl. coverage via Judicare and Agency Agreements)" be changed to "Planned court coverage (District Courts and Regional Courts - Planned percentage coverage; High Court: Actual legal aid matters)". This amendment of the technical indicator for Programme P1-1 as it was written in the Annual Performance Plan 2021-2022 is in line with sections 3.4.4 and 4.4.4 of the Revised Framework for Strategic Plan and Annual Performance and Regulation 5.1.1 of the Treasury Regulations that requires amendments made during the financial year to be approved by the relevant Executive Authority, in our case being the Minister of Justice and Correctional Services. The Department of Planning, Monitoring and Evaluation (DPME) guidelines further require that once the proposed changes are approved by the Executive Authority, institutions are expected to re-table the revised plan(s) to the relevant Legislative Authority. The Minister approved the amendment of the Technical Indicator for Programme P1-1 on the Annual Performance Plan 2021-2022 on 17 February 2022, and it was tabled in Parliament on 16 March 2022.

The Legal Aid SA Integrated Annual Report 2020-2021, prepared in accordance with leading practice and in compliance with the revised DPME Annual Report Guide for Schedule 3A and 3C Public Entities (March 2019), was approved by the Board in July 2021.

The finalised Integrated Annual Report was submitted to the Minister, Parliament, National Treasury and the Auditor-General in compliance with section 55(1)(d) of the PFMA by 31 August 2021 and tabled in Parliament on 6 September 2021.

4. THE ACCOUNTING AUTHORITY/BOARD

The Board as the Accounting Authority sustained good governance by encompassing leading practices and maintaining high ethical standards, integrity, high performance and accountability. It achieved this by focusing on the strategic imperatives as enshrined in the Legal Aid SA Strategic Plan, which was in the second year of implementation. The Board also ensured that the entity accounted to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on the delivery of its mandate, governance and sustainability.

As at the end of the financial year 2021-2022, the Board of Legal Aid SA was not fully constituted in terms of the Legal Aid SA Act 2014. Thirteen out of 14 Board positions were filled. The NOE retired on 31 January 2022 and his term on the Board automatically terminated. As at the end of 2021-2022, the vacancy had not been filled.

The Board honoured its Board calendar – all scheduled meetings were convened, during which meetings the Board not only approved all governance instruments (strategies, policies, charters, et cetera), but also, and amidst the challenges of the COVID-19 pandemic and budgetary reductions, amongst others, focused on measures ensuring that the organisation remained sustainable. Key focus areas included:

- Financial performance maturity
- Oversight on compliance
- Effective risk governance
- Effective IT governance

The efforts of the Board in this regard are contained in the Sustainability Report in Part D of this Integrated Annual Report, on page 112.

The decisions of the Board were effectively tracked for implementation and communicated to staff through a Board Brief that was circulated from time to time by the Board Secretariat.

The Board development process progressed well in the financial year. Three Board workshops were organised in the year under review, which focused on corporate governance, risk management and Legal Aid SA finances.

A. The workshop on 28 August 2021 covered:

i. Budget cuts' impact on service delivery and possible review of the Legal Aid SA mandate;

ii. Land matters and associated risks;

iii. IT software, hardware and network, 4IR, IT 5 years Roadmap;

iv. Organisational modifiers;

v. Board Code of Ethics.

B. The workshop on 25 February 2022 was Board Leadership Training delivered by the Institute of Directors SA. Board members accrued Continuous Professional Development points from this training.

C. An extended workshop was held on 12 March 2022 that covered:

i. Amendment of the Legal Aid SA Act 39 of 2014;

ii. Succession planning of the Board Chairperson;

iii. Discussion of Board Committee Charters (Remuneration Social and Ethics Committee and Board Executive Committee) and the Board Code of Ethics and Approval Framework.

This was all timely and necessary training to equip Board members and empower them to make informed decisions.

In line with leading practice, the Board evaluated its performance as required. The 2021-2022 Board evaluation process was undertaken by an external service provider, in line with the approved Board Evaluation Programme. The evaluation of the Board and its Committees took place in April 2022 and the report was due to be presented to the Board at its meeting during May 2022.

4.1. CHALLENGES

The year under review witnessed intra-Board disputes whereby Board members lodged complaints against one another. The Board resolved to enlist the services of an Independent Counsel (or law firm) to investigate the complaints. A law firm was appointed in April 2022 and a report was presented to the Board in July 2022. The Board was able to implement the recommendations as per the report.

Notwithstanding the above challenges, the Board was able to perform its fiduciary responsibilities. It managed to function well to conclude all its business in all meetings of the Board.

4.2. COMPOSITION OF THE BOARD

Judge Motsamai Makume
Board Chairperson

Mr Nkosana Mvundlela
Deputy Chairperson

Ms Mamodike Makgoba

Mr Matome Leseilane

Mr Langelihle Mtshali

Mr Fhedzisani R. Pandelani

Dr Cleopas Sanangura

Advocate Michelle Odayan

Professor William Gumede

Dr Maureen Tong

Ms Mantiti Kola
CEO

Mr Sethopo Mamotheti
COO

Mr Patrick Hundermark
CLE

The composition of the Board is detailed in the table below:

Table 11: Composition of the Board

Name	Designation (in terms of the Public Entity Board structure)	Date Appointed	Qualifications	Area of Expertise	Board Directorships (List the entities)	Other Committees or Task Teams (e.g.: Audit Committee/Ministerial Task Team)	No. of Meetings Attended
Judge Motsamai Makume	Director: Board Chairperson	1 March 2019 appointed onto new Board	B.Iuris (University of the North)	Law	N/A	Board Executive Committee, Board	Board Executive Committee (3), Board (4)
Mr Fhedzisani Pandelani	Director	Ex-officio (22 May 2020 to 16 March 2022)	BProc, LLB, Higher Diploma: Company Law (University of the Witwatersrand), Sectional Title Scheme Management (University of Cape Town)	Law	Solicitor-General (RSA)	Legal Services Committee, Remuneration Social and Ethics Committee, Board	Legal Services Committee (2), Remuneration Social and Ethics Committee (2), Board (3)
Advocate Michelle Odayan	Director	1 March 2019 appointed onto new Board	BA, LLB (University of Natal)	Law	2020-present: Fibre Processing & Manufacturing Sector Education and Training Authority Chairperson 2019-present: People Opposing Women Abuse Chairperson 2021-present: Gender Responsive Resilience and Intersectionality in Policy and Practice Chairperson 2016-present: IndibaConsult Chairperson	Legal Services Committee, Board	Legal Services Committee (4), Board (4)

Table 11: Composition of the Board (continued)

Name	Designation (in terms of the Public Entity Board structure)	Date Appointed	Qualifications	Area of Expertise	Board Directorships (List the entities)	Other Committees or Task Teams (e.g.: Audit Committee/Ministerial Task Team)	No. of Meetings Attended
Dr Cleopas Sanangura	Director appointed onto new Board	1 March 2019	Associate Chartered Certificate Accountant, Fellow Chartered Institute of Business Management, Fellow Chartered Institute of Secretaries & Administrators, Masters, Doctorate: Business Administration (Nottingham Business School), Chartered Director of South Africa (Institute of Directors South Africa)	Corporate Governance	National Gambling Board Audit & Risk Committee Chairman Gambling Regulations for 2 years Northern Cape Economic Development Agency Board Audit & Risk Dawn Chartered Accountants & Auditors Board Chairman Former Boards: Road Traffic Management Audit & Risk Committee Chairman for 3 years South African National Blood Service Board member and Chairman Audit, Risk and IT Governance for 6 years Prime Fund Insurance Swaziland for 8 years Gauteng Provincial Government for 8 years Social Housing Regulatory Authority for 5 years City of Johannesburg Audit & Risk Committee for 10 years Johannesburg Fresh Produce for 5 years Johannesburg Social Housing Company for 5 years	Remuneration Social and Ethics Committee, Board	Remuneration Social and Ethics Committee (4), Board (3), Audit Committee (3)
Professor William Gumede	Director	1 March 2019 appointed onto new Board	Diploma: Economics & Public Finance (University of South Africa), Joint Degree (Utrecht, Aarhus and Cardiff Universities), Masters: Political Studies (University of the Witwatersrand)	Governance	2012-2018: Lead Independent Director, Chair of the Human Resources and Remuneration Committee, South African National Blood Service 2015: Chairperson Freedom of Expression Institute & Legal Clinic, Johannesburg 2015-2018: Chairman Audit Committee, Commission for Conciliation, Mediation and Arbitration 2014-2018: Non-executive Director & Chairman Nominations Committee, Profmed Medical Aid 2012: Non-executive Director Barone, Budge & Dominick (Pty) Ltd	Audit Committee, Board	Audit Committee (4), Board (4)

Table 11: Composition of the Board (continued)

Name	Designation (in terms of the Public Entity Board structure)	Date Appointed	Qualifications	Area of Expertise	Board Directorships (List the entities)	Other Committees or Task Teams (e.g.: Audit Committee/Ministerial Task Team)	No. of Meetings Attended
Mr Nkosana Mvundlela	Director	1 March 2019 appointed onto new Board	BA Law, LLB (University of Venda), Diploma in Corporate Law (University of Johannesburg)	Law	2017-2020: Law Society of South Africa Council and Management Committee 2016-2020: Black Lawyers' Association Chairperson Limpopo Branch 2010-2017: Thohoyandou Attorneys Association Treasurer 2018-present: South African Judicial Education Council member 2018-present: Director of Mvundlela Property Developers (Pty) Ltd	Legal Services Committee, Board Executive Committee, Board	Legal Services Committee (4), Board Executive Committee (4), Board (4)
Mr Matome Leseilane	Director	1 March 2019 appointed onto new Board	BAdmin (University of the North), PGDip Labour Law, BA Honours: Human Resources Development (University of Johannesburg), Executive Leadership Programme (GSB, University of Cape Town), Advanced Management Programme (GIBS, University of Pretoria & London School of Economics), Executive Human Resources Programme (USB, University of Stellenbosch)	Human Resources	2003-2005: Vice President for HR at Foskor Group Limited; Invited to the Board HR Committee of Foskor Group Limited; Managing Member of Palfos Aviation and Employer Trustee of the Foskor Pension and Provident Funds Board of Trustees and Employer Representative on the Foskor's Project Owners Team 2014-2016: Director of the Board of the Group Five Civil Engineering Division; Senior HR Director - Group Five Construction Limited 2014-present: Director of Seaparankwe Consolidated Investments; Director of K2013154762, property development and rental company; Board member of Legal Aid South Africa (2016-2019; 2019-present)	Remuneration Social and Ethics Committee, Board Executive Committee, Board	Remuneration Social and Ethics Committee (4), Board Executive Committee (4), Board (4)
Mr Langelihle Mtshali	Director	1 March 2019 appointed onto new Board	BProc, Postgraduate Diploma in Practical Legal Studies (University of KwaZulu-Natal)	Law	Director Zizwele Ngolimi Communications (Pty) Ltd	Legal Services Committee, Board	Legal Services Committee (4), Board (4)

Table 11: Composition of the Board (continued)

Name	Designation (in terms of the Public Entity Board structure)	Date Appointed	Qualifications	Area of Expertise	Board Directorships (List the entities)	Other Committees or Task Teams (e.g.: Audit Committee/Ministerial Task Team)	No. of Meetings Attended
Ms Mamodike Makgoba	Director	1 March 2019 appointed onto new Board	National Diploma, BTech: Cost and Management Accounting (Cape Peninsula University of Technology), BCom, Honours: Accounting (University of KwaZulu-Natal), CA(SA)	Accounting, Auditing	Legal Aid SA – Board & Audit Committee Chairperson The Small Enterprise Foundation NPC – Audit Committee & Board Prescient Holdings & Management Company – Audit & Risk Committee	Audit Committee, Board Executive Committee, Board	Audit Committee (4), Board (4), Board Executive Committee (4)
Dr Maureen Tong	Director	26 April 2021	B.Iuris, LLB, LLM (University of KwaZulu-Natal), PhD in International Law (Université de Strasbourg), Associate Certified Coach of the International Coaching Federation	Law - Land Matters, International Law, Restitution, Reparations, Political Self-Determination, Indigenous Peoples, Gender and Land Rights; Lecturing in areas of Constitutional Law, Leadership, Human Resources; Governance; Professional coach training services	Human Resources Committee, Council of University of KwaZulu-Natal Board Member, PingLady Chairperson of Board, Health Systems Trust (also Board Member) Chairperson of Board, Young Women in Business Network Co-operative Finance Institution Deputy National Secretary (Deputy Company Secretary), Coaches and Mentors of South Africa Part-time Company Secretary, Women's Development Banking Trust	Legal Services Committee, Board Executive Committee, Remuneration Social and Ethics Committee, Board	Legal Services Committee (3), Board Executive Committee (3), Board (4), Remuneration Social and Ethics Committee (1)

Table 11: Composition of the Board (continued)

Name	Designation (in terms of the Public Entity Board structure)	Date Appointed	Qualifications	Area of Expertise	Board Directorships (List the entities)	Other Committees or Task Teams (e.g.: Audit Committee/Ministerial Task Team)	No. of Meetings Attended
Ms Mantiti Kola	Director	1 November 2019 appointed onto new Board	Master of Management – Business Executive Coaching (University of the Witwatersrand), BA Honours, BA Education (University of the North), Postgraduate Diplomas in Management from University of Pretoria, Monash University Australia and the Singapore e-Government Leadership Centre	Executive Management	N/A	Legal Services Committee, Remuneration Social and Ethics Committee, Board Executive Committee, Board	Legal Services Committee (4), Remuneration Social and Ethics Committee (3), Board Executive Committee (4), Audit Committee (Invitee - 4), Board (4)
Advocate Brian Nair	Director - until 31 January 2022	1 March 2019 appointed onto new Board	BPaed (University of Durban-Westville), BEd (University of South Africa), FDE Computer Studies (University of Natal), Masters: Business Leadership, LLB (University of South Africa)	Executive Management	Legal Practice Council	Legal Services Committee, Board Executive Committee, Board	Legal Services Committee (3), Board Executive Committee (3), Audit Committee (Invitee - 3), Board (3)
Mr Patrick Hundermark	Director	1 March 2019 appointed onto new Board	BCom, LLB (Nelson Mandela University, formerly University of Port Elizabeth), Certificate Programme in Leadership Development (WBS, University of the Witwatersrand), Practising Attorney, North Gauteng High Court	Executive Management	2012-2017; 2017-present: Rules Board for Courts of Law Cost Committee Chairperson Alternative Dispute Resolution Committee Small Claims Court Committee and Exco	Legal Services Committee, Board Executive Committee, Board	Legal Services Committee (4), Board Executive Committee (4), Board (4)

Table 11: Composition of the Board (continued)

Name	Designation (in terms of the Public Entity Board structure)	Date Appointed	Qualifications	Area of Expertise	Board Directorships (List the entities)	Other Committees or Task Teams (e.g.: Audit Committee/Ministerial Task Team)	No. of Meetings Attended
Mr Sethopo Mamotheti	Director appointed onto new Board	22 May 2020	BCompt, Postgraduate Diploma: Accounting Science (University of South Africa), HDipTax (University of North-West), MBA (GIBS, University of Pretoria), Certified Internal Auditor, Certificate in Control Self-Assessment (Institute of Internal Auditors), AGA(SA) (South African Institute of Chartered Accountants)	Executive Management	2020-present: Member of Audit and Risk Committee, National Department of Public Works and Infrastructure	Remuneration Social and Ethics Committee, Board Executive Committee, Board	Remuneration Social and Ethics Committee (4), Board Executive Committee (4), Audit Committee (Invitee - 3), Board (4)
ALTERNATE BOARD MEMBERS							
Ms Thulisile Mhlungu	Alternate Director	1 March 2019 appointed onto new Board	BProc, LLB (University of Natal)	Law	Independent Director of Menzies Aviation South Africa Advisory Board member of the Land Rights Management Facility, a project of the Department of Agriculture, Land Reform and Rural Development Trustee on the Association of University Legal Aid Institutions Board Board Chair of Women's Legal Centre Trustee at Fives Mzansi	Legal Services Committee, Audit Committee	Legal Services Committee (4), Audit Committee (4)
Ms Marcella Naidoo	Alternate Director	1 March 2019 appointed onto new Board	BSocSci (University of Cape Town)	Social Work, Human Rights	Ditikeni Investment Trust Parliamentary Monitoring Group Sakhikamva Investments (Pty) Ltd	Remuneration Social and Ethics Committee	Remuneration Social and Ethics Committee (4), Board (1)

Table 11: Composition of the Board (continued)

Name	Designation (in terms of the Public Entity Board structure)	Date Appointed	Qualifications	Area of Expertise	Board Directorships (List the entities)	Other Committees or Task Teams (e.g.: Audit Committee/Ministerial Task Team)	No. of Meetings Attended
CO-OPTED BOARD MEMBERS							
Mr Satish Roopa	Co-opted Director	1 May 2019	B.Iuris, LLB (University of South Africa), MPhil (University of Stellenbosch)	Law, Governance, Stakeholder Management, Governance, Risk and Compliance, Human Capital Management, Change Management, Strategy Development, Conflict Resolution, Policy Development and Interpretation, Facilitation of wage/salary negotiations on behalf of JSE listed companies	2015-present: Trans-Caledon Tunnel Authority 2002-present: Second term Afriforte (Pty) Ltd 2016-present: Council member, Da Vinci Institute for Technology Management (Pty) Ltd Current: Mediation Committee, Investigations Committee and Recommendations Committee of the Legal Practice Council Appointed by the President to serve as a Commissioner on the Independent Commission for the Remuneration of Public Office Bearers	Legal Services Committee	Legal Services Committee (4)
Professor Matshilane Mokotong	Co-opted Director	1 May 2019	BProc, LLB (University of Limpopo), LLM with specialisation in Private Law, LLD (University of South Africa)	Law	N/A	Legal Services Committee	Legal Services Committee (4)

Table 11: Composition of the Board (continued)

Name	Designation (in terms of the Public Entity Board structure)	Date Appointed	Qualifications	Area of Expertise	Board Directorships (List the entities)	Other Committees or Task Teams (e.g.: Audit Committee/Ministerial Task Team)	No. of Meetings Attended
Ms Lorraine Francois	Co-opted Director	1 August 2019	Certified Director (Institute of Directors South Africa), Masters: Business Administration (Business School Netherlands), Graduate Certificate: Accounting (Herriot Watt University – UK), BCom (University of KwaZulu-Natal)	Accounting, Auditing	Board member, Chair of Remco, member of the Audit Committee, member of Risk, Governance & Actuarial Committee, Road Accident Fund Chairperson of the Risk Management Committee, standing invitee at the Audit Committee, Public Service Sector Education and Training Authority Provincial Audit Committee member, North West Provincial Treasury Risk Management Committee member, Government Printing Works	Audit Committee	Audit Committee (4)
Mr Samson Nkosi	Co-opted Director	1 May 2019	Higher Diploma: Business Studies (Institute of Business), Postgraduate Diploma: Information Systems, Master of Science: Information Systems (Leeds Beckett University)	IT	N/A	Audit Committee	Audit Committee (4), Board Exco (3)
Ms Lindie Fourie	Co-opted Director	1 May 2019	BCom (Law), LLB, Diploma: Insolvency Law and Practice (University of Pretoria)	Human Resources	N/A	Remuneration Social and Ethics Committee	Remuneration Social and Ethics Committee (3)

Table 11: Composition of the Board (continued)

Name	Designation (in terms of the Public Entity Board structure)	Date Appointed	Qualifications	Area of Expertise	Board Directorships (List the entities)	Other Committees or Task Teams (e.g.: Audit Committee/Ministerial Task Team)	No. of Meetings Attended
Ms Rahab Serepong	Co-opted Director	1 June 2019	Bachelor of Administration, Honours (University of the Western Cape), Masters: Business Leadership (University of South Africa)	Human Resources	N/A	Remuneration Social and Ethics Committee	Remuneration Social and Ethics Committee (3)

4.3. BOARD COMMITTEES

Audit Committee

X-ref page 105 of this Integrated Annual Report for membership of the Audit Committee.

Board Executive Committee

Table 12: Board Executive Committee Members and Attendance

No.	Name of Director	Designation	No. of Meetings Attended
1	Judge Motsamai Makume	Chairperson	3
2	Mr Nkosana Mvundlela	Member	4
3	Mr Matome Leseilane	Member	4
4	Ms Mamodike Makgoba	Member	4
5	Dr Maureen Tong	Member	3*
6	Mr Samson Nkosi	Member	3
7	Ms Mantiti Kola (Chief Executive Officer)	Member	4
8	Mr Patrick Hundermark (Chief Legal Executive)	Member	4
9	Mr Sethopo Mamotheti (Chief Operations Officer)	Member	4
10	Adv. Brian Nair (National Operations Executive)	Member	3

**Note: Appointed 1 June 2021*

Remuneration Social and Ethics Committee

Table 13: Remuneration Social and Ethics Committee Members and Attendance

No.	Name of Director	Designation	No. of Meetings Attended
1	Mr Matome Leseilane	Chairperson	4
2	Dr Maureen Tong	Member	1*
3	Dr Cleopas Sanangura	Member	4
4	Mr Fhedzisani Pandelani	Member	2
5	Ms Mantiti Kola (Chief Executive Officer)	Member	3
6	Mr Sethopo Mamotheti (Chief Operations Officer)	Member	4
7	Ms Lindie Fourie	Member	3
8	Ms Rahab Serepong	Member	3
9	Ms Marcella Naidoo	Member	4

**Note: Appointed 1 January 2022*

Legal Services Committee

Table 14: Legal Services Committee Members and Attendance

No.	Name of Director	Designation	No. of Meetings Attended
1	Mr Nkosana Mvundlela	Chairperson	4
2	Dr Maureen Tong	Member	3*
3	Mr Langelihle Mtshali	Member	4
4	Adv. Michelle Odayan	Member	4
5	Mr Fhedzisani Pandelani	Member	2
6	Ms Mantiti Kola (Chief Executive Officer)	Member	4
7	Mr Patrick Hundermark (Chief Legal Executive)	Member	4
8	Ms Thulisile Mhlungu	Member	4
9	Mr Satish Roopa	Member	4
10	Prof. Matshilane Mokotong	Member	4
11	Adv. Brian Nair (National Operations Executive)	Member	3

**Note: Appointed 1 June 2021*

4.4. REMUNERATION OF BOARD MEMBERS

The remuneration of Board members is dealt with in section 4(1)(h) in the Legal Aid SA Act and is determined by the Minister of Finance.

Table 15: Remuneration of Board Members

Name	Remuneration	Other Allowance	Total
Mr Matome Leseilane	R106,920.00	R29,994.88 (Travel Claim) R6,000.00 (Data Allowance)	R142,915.00
Mr Nkosana Mvundlela	R122,958.00	R48,819.79 (Travel Claim)	R171,778.00
Advocate Michelle Odayan	R75,087.00		R75,087.00
Dr Cleopas Sanangura	R66,582.00		R66,582.00
Professor William Gumede	R72,651.00	R6,000.00 (Data Allowance)	R78,651.00
Mr Langelihle Mtshali	R75,087.00	R6,000.00 (Data Allowance)	R81,087.00
Ms Mamodike Makgoba	R104,004.00		R104,004.00
Ms Lorraine Francois	R41,553.00	R6,000.00 (Data Allowance)	R47,553.00
Ms Rahab Serepong	R27,216.00		R27,216.00
Mr Satish Roopa	R40,095.00		R40,095.00
Professor Matshilane Mokotong	R40,095.00	R6,000.00 (Data Allowance)	R46,095.00
Ms Lindie Fourie	R31,104.00		R31,104.00
Ms Thulisile Mhlungu	R52,002.00	R6,000.00 (Data Allowance)	R58,002.00
Ms Marcella Naidoo	R44,712.00		R44,712.00
Mr Samson Nkosi	R41,553.00		R41,553.00
Dr Maureen Tong	R92,440.00		R92,440.00

5. RISK MANAGEMENT

Legal Aid SA recognises that risk is inherent to its business, and as such employed Enterprise Risk Management to ensure the achievement of strategic and operational objectives and its mandate. A risk management maturity assessment conducted revealed that the entity is aligned with the Risk Management Standards (COSO Framework and ISO 31000) and National Treasury Risk Management Framework. In accordance with the risk maturity model used, areas of improvement were identified and a plan of action was developed to address those gaps.

Legal Aid SA has demonstrated a commitment to building a risk intelligent culture across the organisation by ensuring that risk management is integrated in the strategic planning process, decision-making and business performance. The Board approved the strategic risks, risk appetite and tolerance whilst Management approved the operational risk appetite and tolerance.

The Enterprise Risk Management Strategy and Plan as well as the Fraud Management Plan were reviewed and approved by the Board.

During the year under review, Executives and Management demonstrated commitment in applying the risk management principles. Risk Champions were appointed to assist in cascading risk management application to lower levels of the organisation.

Quarterly Risk Watch Reports were submitted to the Board detailing the residual value of each risk for each quarter under review in relation to the risk appetite and risk tolerance settings, together with explanations where tolerance levels have been exceeded.

The Board Risk Registers are reviewed bi-annually by Management and thereafter submitted to the Board for noting. Risk Control Self Assessments (RCSA) surveys are conducted bi-annually by all Executives and Managers.

A five-scale rating model, ranging from controls both adequate and effective (Level 5) to no controls in place (Level 1), is used by Executives and Heads of Offices to assess mitigating measures or controls for each of the risks listed on the Risk Register. As at quarter four 2021-2022, Executives and Managers indicated that 98% of controls implemented to mitigate 189 risks were at Level 5 while 2% of the controls were assessed at below Level 5.

The budgetary risk (SR-6) rating remained moderate throughout the financial year because of the threat of budget cuts that loom due to the economic downturn faced by the country. The initial funds to set up the Land Rights Management Unit were secured in the form of funds from the Department of Agriculture, Land Reform and Rural Development amounting to R33 million, and R35 million from Legal Aid SA's accumulated surplus. The allocation for 2022-2023 for this function was confirmed to be R90 million by the National Treasury.

The cybersecurity risk (SR-13) rating remained high as at the end of the financial year, requiring constant monitoring. The results of the penetration tests conducted by an external service provider during the year revealed some gaps which have since been closed. A second penetration test was subsequently done in April 2022 with positive results.

The Combined Assurance Framework which was approved by the Board during the year provides for four lines of assurance, i.e., Management; the Chief Risk Officer/Board Secretary; Management Committees; Internal Audit and External Audit. The Combined Assurance Report is completed semi-annually by all four lines of assurance using the same five rating scales used by Executives and Managers for the completion of RCSA surveys.

The risks identified were managed within the tolerance levels or did not materialise, except for the following risks:

5.1. BUDGET CUTS

The 2021-2022 budget allocation to Legal Aid SA was cut by 8.3%. Cost-cutting initiatives were implemented to manage the budget reductions to ensure the achievement of objectives and the organisational mandate.

5.2. IMPACT OF COVID-19

COVID-19 positive cases reported in 2021-2022 was 373 compared to 331 in 2020-2021.There were six (eight in 2020-2021) fatalities due to the Coronavirus in the financial year under review. There was a steady uptake of vaccinations by staff members and the overall percentage of vaccinated staff was 54.8% as at the end of the financial year. This is below the 70% required for herd immunity.

5.3 NON-COMPLIANCE WITH LEGISLATION

There were isolated incidents of non-compliance with section 51(b)(ii) of the Public Finance Management Act 1999 (PFMA), and the Preferential Procurement Policy Framework Act (No. 5 of 2000) during the year.

5.4. SOCIAL MEDIA RISK

In January 2022, a tweet on the legal representation of the person accused of setting fire to the Parliament building, insinuating that Legal Aid SA's clients run a risk of being advised to confess, was widely covered on social media. This cast aspersions on the quality of legal advice and services the organisation offers and put to question the integrity of Legal Aid SA's legal practitioners. Management responded to the tweet accordingly and an apology was subsequently issued by the writer.

5.5. LEAVE ACCRUAL

Leave accrual for 2021-2022 decreased by 6% to R46,033,194 compared to R49,114,154 in the previous financial year. The decrease can be accredited to more employees who took leave in January 2022.

The downward trend in leave balance is expected to continue during the 2022-2023 financial year, with the COVID-19 State of Disaster being lifted in South Africa and most employees working from the office.

5.6. SYSTEM FAILURE DUE TO POWER INTERRUPTION

On 22 March 2022, a fatal shutdown of the IT infrastructure rendered business applications unavailable and inaccessible for four operational hours, due to prolonged power outages, resulting in a depletion of diesel for the generator. The shutdown affected productivity of the core functionality of the eLAA system by 41% compared to the typical average productivity for any day, and saw a 42% reduction in PPU Judicare processing and a 99.55% reduction in payments on the day.

5.7. KWAZULU-NATAL AND GAUTENG UNREST

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 whole satellite office was burnt down, and nothing was saved inside the office. Alternative accommodation for Legal Aid SA 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 and petrol drained out of the vehicles.

The riots spilled over to Gauteng but did not affect Legal Aid SA offices although some malls where offices are were affected. Closure of malls to prevent damages resulted in some offices being closed for a maximum of seven days. However, normal court coverage including attending to clients was unaffected as staff were operating remotely.

The riots negatively impacted assets in KwaZulu-Natal requiring the landlord to find alternative premises for Legal Aid SA staff. Tables 16 and 17 below show the breakdown of court matters and charges relating to the unrest.

The Legal Aid SA Soweto Local Office represented a client who was charged with kidnapping, rape and robbery with aggravating circumstances. The complainant was his ex-wife. The accused was referred for mental observation. He was diagnosed with substance use disorder. However, the panel of psychiatrists unanimously concluded that the accused has no mental illness or intellectual disability and is therefore fit to stand trial. During consultations with our practitioner, the client could not give a chronological sequence of events, was forgetful and would deviate from the topic at hand and discuss unrelated issues such as voices telling him to confess to killings that he had apparently committed a long time ago. The client would also act and behave inappropriately in court while the court was in session. This prompted the attorney to call one of the doctors on the original panel to give evidence regarding the initial report. The doctor conceded under cross-examination that a second observation was called for. This was made an order of court.

Table 16: Civil Unrest

Province	Local Office	Total No. of Criminal Matters	Confirmed Civil Unrest Matters	% of Matters confirmed as Civil Unrest Matters
Gauteng	Alexandra	140	4	3%
	Benoni	609	44	7%
	Ga-Rankuwa	105	0	0%
	Germiston	464	72	16%
	Johannesburg	436	28	6%
	Krugersdorp	545	20	4%
	Pretoria	188	19	10%
	Soshanguve	135	0	0%
	Soweto	471	35	7%
	Tembisa	319	112	35%
	Vereeniging	259	46	18%
	Gauteng Total	**3,671**	**380**	**10%**
KwaZulu-Natal	Durban	533	87	16%
	Empangeni	503	185	37%
	Ladysmith	259	57	22%
	Newcastle	303	44	15%
	Pietermaritzburg	285	42	15%
	Pinetown	235	28	12%
	Port Shepstone	582	306	53%
	Umlazi	221	27	12%
	Verulam	442	29	7%
	Vryheid	251	83	33%
	KwaZulu-Natal Total	**3,614**	**888**	**25%**
National Total		**7,285**	**1,268**	**17%**

Table 17: Civil Unrest - Breakdown of Charges

Charge	Gauteng	KwaZulu-Natal	Total	% of Total
Possession of stolen property	117	483	600	47%
Public violence	169	212	381	30%
Theft/attempted theft	11	63	74	6%
Housebreaking with intent to…/attempted…	13	53	66	0.05%
Robbery/attempted robbery	32	4	36	3%
Other statutory offences	14	18	32	3%
Malicious injury to property	1	17	18	1%
Other	23	38	61	5%
Total	**380**	**888**	**1,268**	

5.8. EMERGING RISKS

The Land Rights Management Facility (LRMF) was transferred to Legal Aid SA effective 1 January 2022. The allocation of sufficient funding for the 740 matters transferred from the DALRRD LRMF remains a concern. A Memorandum of Understanding between the three parties (DoJ&CD, DALRRD and Legal Aid SA) addresses the undertaking by the parties to fund the LRMU operations and contingent liability.

Table 18: Legal Aid SA Strategic Risks with Mitigating Measures and Opportunities Derived

Risk No.	Risk Event	Mitigating Measures or Controls	Opportunities Derived
1	Clients deprived of their constitutional right to access to justice and/or to their liberty	i. Linkages with community advice offices/ traditional structures/Government departments, Section 9 Institutions including the Master's Office for estate matters. ii. Stakeholder relationship/engagement programme. iii. Communication programmes.	i. Awareness about Legal Aid SA services. ii. Increase in number of clients.
2(a)	Lack of capacity to deliver on the demand for legal services (Criminal)	i. Bi-annual review of court coverage plans. ii. Co-operation Partner agreements. iii. Judicare programmes. iv. Legal advice capacity. v. Monitoring of recruitment levels per LO. vi. Monthly staffing plans compiled per office. vii. Agency Agreements. viii. Expansion of the Pro Bono Progamme.	i. All courts are covered by practitioners or through Agency Agreements with Judicare practitioners. ii. Practitioners are allocated in terms of demand emanating from individual courts.
2(b)	Lack of capacity to deliver on the demand for legal services (Civil)	i. Matters exceeding turnaround times webpage. ii. Pending matters exceeding turnaround times report. iii. Pending matters verification webpage. iv. Legal aid only granted where there is a reasonable prospect of success. v. Linkages with Community Advice Offices/ traditional structures/Government departments, including the Master's Office for estate matters. vi. Legal Aid Clinics assisting clients with civil problems. vii. Co-operation Partner agreements. viii. Judicare programmes. ix. Legal advice capacity. x. Community Outreach/Civil Courts Outreach Programme. xi. Self-help programmes. xii. Business model for delivery of civil legal aid. xiii. Review Legal Aid Manual to assess exclusions in line with budget.	i. All LOs and SOs provide civil legal aid services. ii. Growth of civil legal aid services at LOs, SOs and Advice Line. iii. Self-help modules provided on the website. iv. Prioritisation of vulnerable group matters, i.e., women and children. v. Legal support to Advice Offices.
3(a)(i)	Poor quality of the legal services provided by local offices (Criminal)	i. Quality intervention programmes. ii. Quality monitoring and assessment programmes. iii. Competency development/training of legal staff including webinars. iv. Professional indemnity insurance. v. Recruiting competent practitioners. vi. CA readiness/support programmes. vii. Judicare file reviews. viii. Quality reviews of Judicare and Agency Agreement practitioners.	Improved competencies and skills of all practitioners thereby ensuring improved legal services provided to clients.

Table 18: Legal Aid SA Strategic Risks with Mitigating Measures and Opportunities Derived (continued)

Risk No.	Risk Event	Mitigating Measures or Controls	Opportunities Derived
3(a)(ii)	Poor quality of the legal services provided by local offices (Civil)	i. Practitioner support needs assessment. ii. Quality Management Programme. iii. Independent legal quality assessment by the LQAU. iv. Professional negligence insurance cover. v. Client Satisfaction Survey. vi. Complaints handling SOP.	Improved competencies and skills of all practitioners.
3(b)	Poor quality of the legal services provided by Judicare practitioners and Co-operation Partners (Civil)	i. Quality file reviews of Judicare practitioners. ii. Judicare court observations. iii. Co-operation Agreement audits. iv. Judicare induction for newly accredited practitioners. v. Match practitioner experience to matter types.	Increased awareness of the required quality standards by Judicare practitioners.
4	Legal Aid SA reputation risk, arising particularly from managing social media risks	i. Combined Communication Protocol including social media. ii. Revised Media SOP that includes media query response times. iii. User awareness regarding posting on social media.	Fewer negative reports about Legal Aid SA on social media.
5	Lack of confidence in the justice system due to its perceived and experienced ineffectiveness in realising justice outcomes	i. Stakeholder relationship programmes. ii. Case turnaround times monitoring. iii. Cases not worked for 60 days are monitored.	i. All courts are covered by practitioners. ii. Proactive role being played by Legal Aid SA in ensuring justice system inefficiencies are minimised. iii. Proactively funding strategic litigation matters for clients and communities. iv. Provision of legal advice through the tol-free Advice Line and through self-help modules. v. Regional Court turnaround times being monitored on a monthly basis. vi. Civil turnaround times are monitored continually. vii. Civil Practice Rules are enhanced by constant review and inputs to the Rules Board.
6	Continuing budgetary cuts and shortfalls impacting on Legal Aid SA's ability to deliver on its mandate	i. Prudent balanced budget and lobby National Treasury for additional budget and for lower budget cuts. ii. Use own reserves while maintaining minimum current ratio of 1.2:1. iii. Monitor cash flow closely ensuring that the MTEF and annual budget are focused on essential and priority spending. iv. Monitor expenditure ensuring that it is within budget. v. Filling of critical positions. vi. Follow National Treasury guidelines on transfer of LRMF to Legal Aid SA.	i. Legal Aid SA ensuring budget is aligned to Strategic Plan and Business Plan. ii. Business Plan projects aligned to budget and organisational resources. iii. The current ratio is monitored proactively on a monthly basis. iv. Implementing further operational efficiency measures.

Table 18: Legal Aid SA Strategic Risks with Mitigating Measures and Opportunities Derived (continued)

Risk No.	Risk Event	Mitigating Measures or Controls	Opportunities Derived
7	Weakening culture of good corporate governance practises resulting in failure to detect system deficiencies and non-compliance (Ineffective governance structures and processes)	i. Reviewed Board Charter. ii. Board and committees minutes accurate and timeously distributed. iii. Board self-evaluation reports discussed. iv. Reviewed Sustainability Strategy and Plan. v. Strategic Plan 2020-2025. vi. Business Plan timeously finalised and available. vii. Quarterly Performance Reports submitted timeously to Executive Authority. viii. Assessment of performance on organisational maturity scale. ix. Quarterly Internal Audit reports submitted to the Audit Committee and Board.	i. Compliance with the intended outcomes of King IV. ii. Improved Enterprise Risk Management across Legal Aid SA. iii. Improved compliance across Legal Aid SA. iv. Greater consultation with stakeholders to refine the organisational maturity and sustainability models.
8	Unethical, corrupt or fraudulent practises or acts	i. Monitoring and follow up of issues reported on Ethics Hotline. ii. Signing of Confidentiality Agreement by all employees upon commencement of employment. iii. Implementation of Online Register of Interests for Executives and Managers. iv. Implementation of Organisational Culture Programme including fraud awareness. v. Selection and recruitment done in terms of the recruitment policies. vi. Segregation of duties between administrators and interview panel. vii. Segregation of duties between Human Resources and Payroll. viii. Validation of staff records. ix. Implementation of financial controls and segregation of duties between initiation and approval of procurement transactions. x. Management oversight over procurement. xi. Conducting lifestyle audits on Legal Administration Managers, Legal Practitioners and Paralegals. xii. Client Complaints Monitoring Programme.	i. Regular fraud awareness and training workshops held across the country. ii. Organisational Culture Programme addresses ethics. iii. Legal Aid SA Fraud Management Policy revised to include the building of an ethical culture. iv. Regular lifestyle audits conducted by the Internal Audit Department.
9	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) (General Audit – sustainability audits)	i. Lobby National Treasury for additional budget and for lower budget cuts. ii. Cost-saving measures. iii. Employee Assistance Programme in place. iv. Staff Rationalisation Programme to diffuse/ mitigate the impact. v. Employee Retention Strategy and career development through enabling study leave policies and bursary schemes. vi. Sustained high organisational performance and sustained shareholder-value add (Government)	Lower budget cuts.
10	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 (General Audit – Organisational Cultural Programme)	i. Leadership Development Programme implemented to improve leadership and management capability. ii. Organisational Culture Programme implemented to improve the levels of engagement with the values. iii. Annual Internal Omnibus Survey to monitor and measure levels of engagement. iv. Employee Value Proposition reviewed in order to attract, retain and engage talent. v. People development programmes re-aligned to business requirements.	Legal Aid SA is being marketed as an employer of choice to potential employees, positively impacting on the strategic positioning of the Legal Aid SA brand.

Table 18: Legal Aid SA Strategic Risks with Mitigating Measures and Opportunities Derived (continued)

Risk No.	Risk Event	Mitigating Measures or Controls	Opportunities Derived
11	Unable to keep pace with the new/emerging technology resulting in poor adoption of 4IR opportunities that enhance effective business operations (IT Audits – IT Governance)	i. IT Strategic Plan reviewed annually. ii. IT system continuously monitored and user queries timeously responded to. iii. Up-to-date IT CARP. iv. IT architecture implemented in line with reviewed Architecture Framework of leading practices and in support of business requirements. v. Consistent review of IS Policies and SOPs. vi. Uninterrupted power supply units installed at all LOs. vii. IT maturity assessment undertaken quarterly. viii. Corporate Asset Replacement Plan.	i. Relevant and applicable IT leading practises applied across the IT environment. ii. Lifespan of IT equipment reviewed in line with Capex budget. iii. Development of new systems for the administration of the granting of legal aid, case management and business intelligence.
12	Poor data security and protection of information resulting in non-compliance with established regulations and standards of good practice (IT Audits – Network Security Review and Cybersecurity Review)	i. Latest antivirus software version installed and virus signature up-to-date. ii. Continuous security patches update. iii. Up-to-date firewall detection and prevention system. iv. Latest product versions for firewall, mail and web marshall. v. Asset disposal procedure in place. vi. Security awareness conducted quarterly. vii. Exploring security awareness platform in progress. viii. Daily data replication of the critical servers to disaster recovery site. ix. Monthly backup tapes stored off-site. x. Laptop encryption. xi. Penetration testing.	i. Protection against hackers. ii. Prevention of breaches.
13	Poor risk-based approach on cybersecurity leading to exposure and losses of business assets and personal information of employees, clients and key stakeholders (IT Audits – Network Security Review and Cybersecurity Review)	i. Holistic Legal Aid SA approach to cybersecurity (not only ICT). ii. Approved Cybersecurity Strategic Plan and training of personnel. iii. Proper and adequate data classification framework and effective control over access to and use of organisational data (e.g., HR, SYSPRO and Active Directory as well as client personal information and privileged lawyer/client communications, et cetera). iv. Effective management and control of access to data and systems by service providers and other off-site access to information. v. Implementation and monitoring of the Document Management Policy. vi. Reinforced data security and end-user data use policies and practices implemented and reviewed at regular intervals. vii. Cybersecurity Committee in place. viii. Uninterrupted power supply units installed at SOs. ix. Penetration testing. x. Cybersecurity Roadmap implemented.	i. Prioritisation of risks. ii. Prioritisation of resources.

6. IT GOVERNANCE 2021-2022

The new Information Technology Strategic Plan was reviewed in conjunction with the organisation's Strategic Plan 2020–2025 and was approved by the Board in accordance with the King IV Principles. Effective oversight of information technology investments remains a priority for the Board.

Collaboration tools that have been deployed to enable efficient remote working have allowed users to work effectively, resulting in improved productivity and efficiency of staff. All employees have access to Microsoft Teams.

The server infrastructure environment has been maintained in alignment with the Capital Asset Replacement Programme with a gradual adoption of a hybrid cloud infrastructure. This allows for a reduced footprint of physical server infrastructure required in the future.

Laptop encryption technology has been introduced in the IT security area, with the goal of deploying it to all personal computers. In addition to endpoint security, the organisation included Dynamic Threat Defence as part of its security measures. Eighty percent of all users have remote access using both Global Protect remote connection and Access Point Name channels.

The electronic Legal Aid Administration (eLAA) system was further stabilised and enhanced through the implementation of several critical developments, including the correction of trade requisition bugs; the correction of Judicare payment bugs; the redesign of the Judicare accreditation module and the automation of the distribution of Judicare invoices following payment processing. Additionally, the system was upgraded through the establishment of a women's empowerment programme, which aims to empower women practitioners by supervising and exposing them to proceedings before Regional and High Courts. About 59 upgrades and bug fixes were developed and deployed into the production environment. With the organisation's expansion into handling land rights matters which came into effect in January 2022, Legal Aid SA expediently conducted a gap analysis to determine what was required to integrate the new business unit into the eLAA system and used its agility to develop enhancements that integrate the Land Rights Management Unit into the eLAA system's value chain process.

Additionally, the manual process of requesting a deviation prior to initiating the procurement process was fully automated with reminders and escalation features. This automation has enabled the organisation to trace the progress of each deviation submission, increasing process transparency by informing all parties involved and eliminating the paper trail.

Data is the new oil in the twenty-first century, an untapped precious asset. As with oil, data requires infrastructure in the form of database management software and hardware for storage and transmission. Software was updated to manage and store data, ensuring that it is accessible, consistent and of adequate quality for analytics.

7. INTERNAL CONTROL UNIT

The Internal Control Unit is an integral part of the governance mechanism within the CFO's office. Its role in the organisation is to continuously improve 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 is a newly established unit in the organisation and will be fully capacitated in the new financial year.

Internal control maintains registers on irregular expenditure, fruitless and wasteful expenditure and losses and damages. The Unit is also responsible for co-ordinating both internal and external audits, responses on audit findings and consolidation of audit action plans designed to address internal control weaknesses identified by the Auditor-General South Africa. A position of Manager: Internal Unit was created and filled in 2021-2022 to head and strengthen the Unit.

No significant control deficiencies have been identified by the Unit that cause it to believe that Legal Aid SA's system of internal controls and reporting procedures is not effective, and that the internal financial controls do not form a sound basis for the preparation of reliable financial statements. However, for the year under review, the Unit acknowledges the deficiencies in preventing irregular expenditure though this is decreasing year-on-year. It further acknowledges opportunities identified for continuous improvements in controls to respond to any potential elements of fraud, wastage and abuse.

8. INTERNAL AUDIT AND AUDIT COMMITTEE

The Internal Audit Department of Legal Aid SA provides an independent, objective assurance and consulting service designed to add value and improve the organisation's operations. It helps the entity accomplish its objectives by bringing a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control, compliance and governance processes.

The Internal Audit Department is responsible for the following:

a) Evaluating controls, including assessing the tone and risk management culture of the organisation and reporting on the effectiveness and efficiency of the implementation of management controls;

b) Evaluating risks by identifying key activities and relevant risk factors and assessing their significance. The Internal Audit Department has adopted a more proactive and risk-based approach. This enables the Department to anticipate possible future concerns and opportunities as well as identifying current issues;

c) Analysing operations and confirming information by closely working with Line Managers to review operations then report their findings, and

d) Reviewing compliance to ensure that the organisation is adhering to rules, regulations, laws, codes of practice, guidelines and principles as they apply individually and collectively to all parts of the organisation.

The Internal Audit Department assesses and makes appropriate recommendations for improving risk and governance processes to accomplish the following objectives:

a) Promote appropriate ethics and values within the organisation;

b) Achieve effective organisational performance management and accountability;

c) Communicate risk and control information to appropriate areas of the organisation;

d) Assist Management in achieving the organisation's strategic objectives;

e) Secure reliability and integrity of financial and operational information;

f) Operate effectively and efficiently;

g) Safeguard assets, and

h) Comply with laws, regulations, policies, procedures, and contracts.

The Internal Audit Department undergoes an external quality assessment every five years to assess the delivery of internal audit compliance with IIA standards and benchmarking with leading practices. The last assessment was conducted in 2018, and it confirmed that the Internal Audit Department generally conforms to the International Standards for the Professional Practice of Internal Auditing. The Department further performs its activities in compliance with the PFMA, National Treasury Regulations and the King IV Report on Corporate Governance. Accordingly, Internal Audit developed a risk-based Audit Plan which is approved by the Audit Committee. The Audit Plan is tailored to the organisation's overall risk management framework and is flexible and responsive to Legal Aid SA's risk landscape.

The purpose, authority and responsibility of the Internal Audit Department is formally defined in the Internal Audit Charter. Internal Audit reports functionally to the Audit Committee and has full and unrestricted access to all organisational activities, records, property and personnel.

The Internal Audit Department completed 110 projects against 113 projects per the approved Audit Coverage Plan which translates to a 97% achievement at the end of the financial year. Three additional projects were completed outside the approved coverage plan, resulting in a 100% overall achievement.

The following work was completed during the year under review:

- Review of operational and financial controls at selected local offices and Finance;
- Review of the mid-year and the year-end financial statements;
- Review of the mid-year and the year-end performance information;
- Review of Legal Aid SA's risk management including fraud risk management;
- Review of information technology controls including the application controls embedded in financial systems;
- Quarterly review of compliance with PFMA and other legislation applicable to Legal Aid SA, and
- Supply Chain Management and tender reviews.

The results of the audits conducted demonstrated that Legal Aid SA's internal controls and governance processes were in place and functioned as intended over the period under review.

8.1. LEGAL QUALITY ASSURANCE

In addition to the provision of internal control, Internal Audit is responsible, through the Legal Quality Assurance Unit (LQAU), for assessing the quality of legal services provided by internal legal practitioners and external service providers appointed by Legal Aid SA to represent its clients. The LQAU achieved 106% of its Annual Coverage Plan. The LQAU's overall conclusion is that the quality of legal services rendered by legal practitioners is of a satisfactory quality.

8.2. AUDIT COMMITTEE

The Audit Committee is responsible for playing an oversight role and monitoring the effectiveness of internal control, particularly financial controls and risk management; compliance with legislation and regulations, and the review of the Annual Financial Statements. Internal Audit reports to the committee on a quarterly basis and submits written annual assessments of controls and risk management at the end of each year.

Membership and attendance of Audit Committee meetings appears in the table below:

Table 19: Composition of the Audit Committee

Name	Designation (in terms of the Public Entity Board structure)	Qualifications	Area of Expertise	No. of Meetings Attended
Professor William Gumede	Director	Diploma: Economics & Public Finance (University of South Africa), Joint Degree (Utrecht, Aarhus and Cardiff Universities), Masters: Political Studies (University of the Witwatersrand)	Governance	Audit Committee (4)
Dr Cleopas Sanangura	Director	Associate Chartered Certificate Accountant, Fellow Chartered Institute of Business Management, Fellow Chartered Institute of Secretaries & Administrators, Masters, Doctorate: Business Administration (Nottingham Business School), Chartered Director of South Africa (Institute of Directors South Africa)	Corporate Governance	Audit Committee (3)
Ms Mamodike Makgoba	Director - Chairperson	National Diploma, BTech: Cost and Management Accounting (Cape Peninsula University of Technology), BCom, Honours: Accounting (University of KwaZulu- Natal), CA(SA)	Accounting, Auditing	Audit Committee (4)
Ms Thulisile Mhlungu	Alternate Director	BProc, LLB (University of Natal)	Law	Audit Committee (4)
Ms Lorraine Francois	Co-opted Director	Certified Director (Institute of Directors South Africa), Masters: Business Administration (Business School Netherlands), Graduate Certificate: Accounting (Herriot Watt University – UK), BCom (University of KwaZulu-Natal)	Accounting, Auditing	Audit Committee (4)
Mr Samson Nkosi	Co-opted Director	Higher Diploma: Business Studies (Institute of Business), Postgraduate Diploma: Information Systems, Master of Science: Information Systems (Leeds Beckett University)	IT	Audit Committee (4)

9. COMPLIANCE WITH LAWS AND REGULATIONS

Legal Aid SA's Compliance Universe consists of all applicable laws. Executives identified 16 applicable laws that require the attention of Management on an ongoing basis.

A Legislative Compliance Checklist which includes deadline dates for complying with certain statutory requirements is confirmed annually by all Executives and Heads of Offices through a webpage, and thereafter monthly confirmations are done by all Executives. As a quality control, Executives and Provincial Executives scan the legislative environment within their functional responsibilities for changes on a quarterly basis and the Compliance Universe is updated accordingly.

A Legislative Compliance Checklist was completed monthly by all Executives and Managers. Quarterly Compliance Reports were thereafter submitted to the Board. The Legislative Compliance Checklist was updated whenever new legislation or provisions came into effect. Management strives to ensure 100% compliance with all relevant legislations, regulations and directives/practice notes.

Legal Aid SA complied with all legislation that comprises the Legislative Universe, except for the non-compliance to the PFMA. There were isolated incidents of non-compliance with SCM prescripts mainly due to cleaning contract extensions in response to COVID-19 and deviations which were not approved in accordance with the applicable instruction note.

The entity meets all principles of the King IV Code on Corporate Governance (the King Code).

9.1. PAIA REQUESTS FOR THE YEAR UNDER REVIEW

During the 2021-2022 reporting period, Legal Aid SA received four PAIA requests. The first request relates to an application for legal aid assistance which the organisation refused. All the records requested were granted including the explanation and reasons for refusal of legal aid.

The second request relates to an alleged injury on duty, benefits in terms of the Group Life Scheme and benefits at the Department of Labour for compensation. The records were refused in terms of section 7 of the Promotion of Access to Information Act in that these records relate to pending legal proceedings issued by the requester at the High Court and pleadings have been exchanged.

The third request relates to the records requested for an application for increased fees by a legal practitioner to Legal Aid SA in respect of his representation of a legal aid client. All the records were granted.

The fourth request relates to the outcome of recruitment processes. The requester requested information that relates to the third party; another candidate who was appointed. A section 47 of PAIA notice was dispatched to the third party and she refused her personal information. The records were refused and the requester withdrew the request.

There are still eight outstanding matters by one requester, which emanates from the previous reporting period and are before courts. The requester had not proceeded with the matters but has not withdrawn them.

In compliance with section 32 of PAIA, a report was submitted to the Information Regulator stating the number of requests received and how each request was dealt with. Their system was not finalised for submission as at the end of the financial year under review.

10. FRAUD PREVENTION AND MANAGEMENT

Legal Aid SA has zero tolerance towards any fraudulent and unethical behaviour. To give effect to this imperative, the organisation has designed and successfully implemented measures that are aimed at addressing the risk of fraud and corruption. Some of the measures that have been put in place include the following:

- Implementation of a Fraud, Corruption and Ethics Management Policy which articulates Legal Aid SA's philosophy on fraud, corruption and ethics management. The policy was approved by the Board which is an indication of the level of support for the policy.
- Fraud risk management was performed to identify and assess risks related to fraud, corruption and unethical behaviour and implementation of the applicable mitigation measures as an intervention to limit risk exposure.
- Fraud Awareness Programmes which have been executed by Internal Audit to educate employees and clients on the issues of fraud.

10.1. FRAUD AND CORRUPTION RESPONSE PLAN

The fraud response plan included the establishment and maintenance of tip-offs or a fraud hotline which is managed and administered by an outsourced service provider, thereby certifying the highest level of anonymity is maintained, affirming the impartiality of the process.

There were 19 matters brought forward from the 2020-2021 financial year and 37 new matters reported through the Fraud and Ethics Hotline and by Management during 2021-2022. Twenty-nine matters were finalised and 27 carried forward to the 2022-2023 financial year.

All the reported suspicions of fraud, corruption, maladministration and unethical behaviour are independently investigated by Internal Audit, and appropriate action taken, including but not limited to:

- consequence management procedures.
- referrals to relevant agencies.
- institution of criminal complaints.

Fraud related matters are reported to the Remuneration Social and Ethics Committee of the Board.

The Board and Management remain committed to upholding and supporting the Fraud and Ethics Hotline by ensuring that consequence management actions are taken in case of reported incidents of fraud, corruption or unethical behaviour.

The table below summarises the six incidents of fraud and corruption that were investigated and finalised.

Table 20: Summary of Investigated Fraud and Corruption Matters and Outcomes in 2021-2022

No.	Allegation	Period Completed	Outcome
1	A caller reported that an employee was fraudulently appointed as an executor of her late husband's estate. The caller stated that she did not apply for legal assistance from Legal Aid SA, because she had appointed a private law firm.	Q2 2021-2022	The allegations made by the caller were substantiated to be factual and disciplinary action was taken against the employee.
2	A caller reported the alleged conflict of interest, abuse of power and fraud perpetrated by a staff member.	Q4 2021-2022	The results of the investigation confirmed the authenticity of the allegations made.
3	An anonymous caller reported that a staff member had allegedly awarded a cleaning contract to her family member. Furthermore, it was stated that the family member was fronting for the staff member and her brother, but the company is jointly owned by the employee and a family member.	Q4 2021-2022	The investigation did not find any evidence of wrongdoing against the employee.
4	A caller alleged that a Civil Legal Practitioner offered legal services outside of her employment contract with Legal Aid SA and was paid for it. The caller further indicated that the employee was a director in an entity and was receiving sums of monies through her daughter's bank account.	Q4 2021-2022	The results of the investigation indicated that there was no evidence that the employee had provided legal services for payment. Nevertheless, the employee was found to have been registered as a director in a private company and did not declare her interest in the Register of Interest.
5	A caller alleged that a staff member at a local office was receiving kickbacks from the service provider appointed to provide cleaning services. The caller further alleged that the service provider was the preferred/favoured service provider.	Q4 2021-2022	The investigation did not find any evidence of fraud or corruption against the staff member. However, the cleaning contract was found to be irregular as it was awarded without following the prescribed Supply Chain Management processes. A disciplinary process was initiated against the Evaluation Committee.
6	A member of the public laid a complaint through the SAPS alleging that a Civil Legal Practitioner committed fraud, corruption, betrayal and dishonesty towards a client.	Q4 2021-2022	The investigation did not find any evidence of wrongdoing against the employee.

Zero tolerance on fraud and corruption remains entrenched.

11. ETHICS MANAGEMENT AND MINIMISING CONFLICT OF INTEREST

All employees of Legal Aid SA are obligated to declare gifts they received, as well as instances of conflict of interest on the Register of Interest. In the year under review, 99% of employees disclosed registerable interest. Similarly, all Directors of the Board declared interest in all meetings they attended in 2021-2022 to ensure adherence to the Legal Aid SA Code of Ethics.

A three-year average view of compliance by employees in terms of the disclosure of interest is shown in the table below:

Table 21: Average Percentage Completion of the Register of Interest by Employees – three-year comparison

Financial Year	2019-2020	2020-2021	2021-2022
Compliance Rate	93%	99%	99%

The Ethics Management and Organisational Culture Programme review was conducted in February 2022 in accordance with the Internal Audit Department's 2021-2022 Audit Coverage Plan. The Internal Audit Department concluded that the assessed internal controls relating to Ethics Management are adequately designed and operating effectively to provide reasonable assurance that risks will be mitigated and that management objectives at Legal Aid SA will be attained.

12. CODE OF CONDUCT

The organisational Code of Ethics and Conduct Policy articulates the values of the entity and represents the highest ethical standards applicable to all employees and the Board. The Code was reviewed in the year under review.

Contraventions of the Code are dealt with in the provisions of the Human Resources Policies as well as the Terms and Conditions of Legal Aid SA. Matters are investigated and sanctions issued based on the merits of the cases.

The Board has a Code of Ethics that supports the organisation's mission, values and principles. This is being reviewed to ensure that it sufficiently deals with the ethics issues at the Board level.

13. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

Legal Aid SA has a Health and Safety Policy in place and complies with the Occupational Health and Safety Act 85 of 1993. The purpose of this policy is to provide and maintain as far as is reasonably practicable, a working environment that is safe and without risks to employees and persons other than those in employment who may be directly affected by the activities of Legal Aid SA. This policy provides guiding principles for the achievement of the organisation's health and safety programmes. Health and Safety representatives and Committees are in place and inspections are carried out regularly. Legal Aid SA also discharges its legal duty to inform its employees about health and safety matters and takes all the necessary prescribed steps in relation to COVID-19 Regulations and measures.

All serious injuries, reportable diseases or dangerous occurrences taking place at work are reported to the Human Resources Department and the Department of Labour in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993, as amended. A total of 12 incidents of injury on duty were reported in the 2021-2022 financial year.

The Employee Wellness Programmes were fully implemented to encourage awareness and support.

The Vicarious Trauma Counselling Programme intervention programmes were delivered on a national scale virtually by the in-house Clinical Psychologist.

14. BOARD SECRETARY

The Board Secretary provided the necessary guidance to the Board of Legal Aid SA. Amongst other duties, the Secretariat:

i. Handled all administrative and other logistical requirements of the Board.

ii. Ensured that Board procedures are followed.

iii. Helped maintain the stakeholder relationships with the Chairperson and the Board at large.

iv. Ensured the proper compilation and timely circulation of Board documents and that the meetings of the Board took place as scheduled and were conducted in a proper orderly manner.

v. Took decisions/minutes at Board meetings and tracked the matters that arose from the decisions of the Board.

vi. Ensured that there was continuous Board development through evaluations and training.

vii. Monitored and ensured that all governance instruments were reviewed, save for the Board Governance Charters and Board Code of Ethics.

viii. Advised the Board on statutory and governance obligations.

15. SOCIAL RESPONSIBILITY

Legal Aid SA engaged in several activities to support vulnerable groups to ultimately ensure that communities had increased access to justice. These activities included the administration of a Pro Bono Scheme through which legal practitioners rendered pro bono services to indigent and vulnerable communities, allowing access to justice in 90 new legal matters.

Legal Aid SA has 59 employees registered as Smalls Claims Court Commissioners and the organisation's contribution to the pool of Small Claims Court Commissioners ensures the speedy resolution of minor disputes.

The Legal Aid SA Fixed Assets Policy and Procedures were revised during the financial year to apply Treasury Regulation 16A7 which provides that "*The Accounting Officer or Accounting Authority must, when disposing of computer equipment, firstly approach any State institution involved in education and/or training to determine whether such an institution requires such equipment. In the event of computer equipment being required by such a State institution, the Accounting Officer or Accounting Authority may transfer such equipment free of charge to the identified institution*". The policy further provides that should there be no State institutions which require the computer equipment due for disposal, these assets are offered as donations to NPOs, NGOs, CBOs and Community Advice Offices dealing with the delivery of legal services, increasing access to justice and the promotion and protection of human rights, as well as community radio stations.

16. AUDIT COMMITTEE REPORT

The Legal Aid SA Audit Committee is a committee of the Board duly constituted in terms of the PFMA. Its main purpose is to assist the Board in fulfilling its oversight responsibility on the system of internal financial control, the governance of risk, Internal and External Audit Functions, integrated reporting and Legal Aid SA's processes for monitoring statutory and regulatory compliance. To this end, the Board delegates the above listed responsibilities to the Audit Committee. This is over and above its statutory responsibility to the governing authority.

The Audit Committee accordingly adopted its Terms of Reference, which are reviewed annually and approved by the Board of Directors. Throughout the financial year, the committee carried out its duties in accordance with its Terms of Reference, the PFMA and the National Treasury Regulations 3.1.13 and King IV Report on Corporate Governance for South Africa 2016.

16.1. COMPOSITION

The committee consists of four independent Non-executive Directors and one independent specialist member. Collectively they have sufficient skills and knowledge to deliver on the set responsibilities of this committee. The meetings of the Audit Committee members as well as the qualifications for the year are detailed in table 19 on page 105.

The Legal Aid SA CEO, COO, NOE, CFO and other senior members of Management, together with the internal and external auditors, attend these meetings by invitation. During the year, the committee held separate meetings with Senior Management, external auditors and internal auditors individually, before every meeting. The internal and external auditors have unrestricted access to the Audit Committee. The Audit Committee and its members are assessed for effectiveness on an annual basis.

The Audit Committee is happy to report that it has regulated its affairs in compliance with its set Terms of Reference and has delivered on all its responsibilities as contained therein.

16.2. THE EFFECTIVENESS OF INTERNAL CONTROL

The committee reviewed:

i. the significant issues raised by both internal and external auditors and was satisfied regarding the resolution of all these issues as and when they were reported;

ii. the policies and procedures relating to the prevention and detection of fraud and corruption; and

iii. the effectiveness of Legal Aid SA's systems of internal control including the assurance received from Management, Internal Audit and External Audit, during the course of the financial year.

The Combined Assurance Model was updated and the tracking map reported to the committee during 2021-2022. The final Combined Assurance Report concluded that the internal controls are satisfactory.

16.2.1. Regulatory compliance

The committee has complied with all applicable legal and regulatory responsibilities. These are tracked, reported and discussed at the quarterly meetings.

16.2.2. External Audit

We reviewed, discussed and deliberated on the External Audit scope and coverage including the fees as set out in note 25 of the financial statements.

We concurred with the conclusions on the status of the internal financial controls and we therefore recommended these to the Board for approval. The Board adopted the recommendations.

16.2.3. Internal Audit

The committee:

i. reviewed the updated Internal Audit Charter and recommended it for approval by the Board;
ii. evaluated the independence, effectiveness and performance of the function as well as its compliance with its charter;
iii. considered and satisfied itself that Internal Audit has the necessary resources, budget and appropriate standing within Legal Aid SA;
iv. approved the Internal Audit Plan and the adjustments thereafter; and
v. continuously encouraged co-operation and reliance between Internal and External Audit.

16.3. MANAGEMENT MONTHLY/QUARTERLY REPORTS

Legal Aid SA submitted monthly and quarterly reports to the Executive Authority.

16.4. EVALUATION OF FINANCIAL STATEMENTS

We have reviewed the Annual Financial Statements prepared by Legal Aid SA.

16.5. AUDITOR'S REPORT

We have reviewed Legal Aid SA's implementation plan for audit issues raised in the prior year as stated above and we are satisfied that the matters raised by External Audit have been adequately resolved.

The Audit Committee concurs and accepts the conclusions by the external auditor as articulated in the Annual Financial Statements. We are of the opinion that the audited Annual Financial Statements should be accepted and read together with the report of the Auditor-General.

16.5.1. Integrated Reporting

We recommended the Integrated Annual Report for approval by the Board on the basis of the processes in place, underpinned by the assurance provided by the Internal Audit Function.

In conclusion, nothing came to our attention to indicate any material breakdown of the Legal Aid SA internal control processes, risk management, corporate governance and compliance.

Ms Mamodike Makgoba
Chairperson of the Audit Committee
Legal Aid SA
31 July 2022

17. B-BBEE COMPLIANCE PERFORMANCE INFORMATION

Table 22: Application of Code of Good Practice

Has the Public Entity applied any relevant Code of Good Practice (B-BBEE Certificate Levels 1 – 8) with regards to the following:		
Criteria	Response Yes/No	Discussion (include a discussion on your response and indicate what measures have been taken to comply)
Determining qualification criteria for the issuing of licences, concessions or other authorisations in respect of economic activity in terms of any law?	N/A	
Developing and implementing a preferential procurement policy?	Yes	Legal Aid SA's Supply Chain Management Policy is guided by the PPPFA Regulations.
Determining qualification criteria for the sale of state-owned enterprises?	N/A	
Developing criteria for entering into partnerships with the private sector?	No	Legal Aid SA does not have such initiatives/programmes.
Determining criteria for the awarding of incentives, grants and investment schemes in support of Broad-based Black Economic Empowerment?	No	Legal Aid SA does not have such initiatives/programmes.

Regarding the status of Legal Aid SA's compliance with the Broad-Based Black Economic Empowerment Act 46 of 2013, the organisation appointed a service provider for the assessment of its B-BBEE status. The appointed service provider is still busy with the assessment and the status will be provided as soon as it is finalised.

PART D
SUSTAINABILITY REPORT

101 Community Advice Offices linked to

9 stakeholder clusters in Stakeholder Universe

918 NGOs, CBOs, FBOs and traditional structures linked to

917 community outreach events

1. SUSTAINABILITY REPORT

Legal Aid South Africa incorporated a sustainability focus in its strategic planning framework for 2020-2025, to develop an integrated Strategic Plan that incorporates sustainability. Incorporating sustainability into the business strategy means that sustainability is viewed as a long-term goal and the organisation can address sustainability issues, incrementally working towards the outcome of creating long-term value.

SOCIAL

Access to legal services and advice was provided to indigent and vulnerable persons, adding value to their lives. We ensured that these services were accessible despite the limitations placed by the various COVID-19 lockdown alert levels. Service delivery models employed by the organisation means that all clients who require legal services have access to such services, thus preventing the situation of clients having to go unrepresented in criminal courts.

Vulnerable groups including women, children, land/eviction matters, mental health care users and refugees received legal aid services. Legal services to children are a priority and legal aid was provided to all children requiring assistance; 6,935 in criminal matters in the 2021-2022 financial year, which is an increase of 39% from the previous financial year. Children kept in custody for periods greater than one month were individually tracked to ensure that their matters are prioritised; at the end of the financial year, 21 children were in custody awaiting trial and were all represented by Legal Aid SA. The entity took in 4,751 new civil matters for children. This is 37% more than the number of new matters taken in when compared to the same period in the last financial year. We dealt with 2,009 new deceased estate matters for children; 22% more when compared to the 2020-2021 financial year.

We provided services to specialist and vulnerable groups through our coverage of Sexual Offences Courts and Specialised Commercial Crimes Courts, each of which were assigned dedicated practitioners. All Labour Specialist positions were filled and we took in 918 new labour matters in total. One new refugee matter was undertaken through our Co-operation Partner and we assisted 17 mental health care users.

All legal practitioners are equipped to deal with specialist matters through targeted training programmes. They also have access to electronic libraries/online research platforms, legal research and support in the form of monthly newsletters and regular case updates and mentorship and supervision. There are six discussion fora for knowledge sharing among practitioners in the following areas: Criminal, Civil, Children Civil, Land, Administration of Estates and Labour. These interventions are part of the Quality Monitoring and Intervention Programme and contribute to ensuring quality legal aid services so that clients have confidence in the services received. To assess the quality of legal services, the Legal Quality Assurance Unit conducts independent audits of all categories of practitioners through file audits and court observations. The outcome of file audits and court observations is that all categories of legal practitioners achieved the quality targets, confirming the success of the Quality Monitoring and Intervention Programme.

To assist clients and members of the public who may not qualify for legal aid services, self-help modules for common, less complex legal issues are available on the Legal Aid SA website. One hundred and thirty-eight self-help modules under 20 main legal topics such as drafting of wills and a guide to divorce are available which enabled clients to access legal information and guidance. Usage statistics indicate that the self-help modules on the website received 84,798 views during the year under review.

A stakeholder-based approach is part of the Legal Aid SA sustainability approach. The organisation follows the leading practices aligned to the King IV Report on Corporate Governance, emphasising the critical role of stakeholders in the governance process, particularly stakeholder inclusivity and responsiveness. Stakeholder engagements within the justice cluster enabled Legal Aid SA to advance the interests of the organisation and our clients, as well as contribute to the efficient functioning of the justice system. In managing the COVID-19 pandemic, face-to-face meetings were limited as there was preference for virtual meetings. Through our stakeholder partnerships we also linked with Community Advice Offices, allowing local offices to extend access to civil legal aid services. Local offices maintained links with 101 Community Advice Offices; conducted 269 visits and consulted with 1,264 clients, resulting in 260 files being opened. In order to increase awareness of our services and referrals to Legal Aid SA, local offices maintained links with 918 NGOs, CBOs, FBOs and traditional structures and had 1,248 interactions with these stakeholders. Linkages were also maintained with 918 stakeholders that work with vulnerable groups, through 1,254 interactions.

Detailed information on Stakeholder Engagement follows in Part D, Section 2 of this Integrated Annual Report.

Legal Aid SA provides support to developing legal aid systems, and shares knowledge with legal organisations all over the world.

Due to global restrictions on international travel, we have not had any international exchange visits at Legal Aid SA offices but have hosted two groups virtually. These groups were from Argentina and Chile and the visits focused on general legal aid delivery and quality assurance.

The communication programme implemented throughout the year met the objective of providing education and information concerning legal rights and obligations, as envisaged in the Constitution and the Legal Aid SA Act, thereby managing the Legal Aid SA brand. This programme included branding of prison cells, police stations and courts, outreach programmes, advertising and media interventions and using social media platforms which were particularly useful in providing information to clients given the restrictions in accessing our offices arising from COVID-19.

In addition, general advice services were provided by local and satellite offices, the Legal Aid Advice Line and at correctional centres. General advice was also provided at outreach sites and local offices made 783 visits to community outreach sites and consulted with 1,901 clients during these visits. During the 2021-2022 financial year, 58 civil clinics were held and a total of 4,536 clients/participants attended the clinics.

The Board reviewed and approved the Client Relationship Management Strategy and Plan, aimed at managing the interactions and engagement between employees, clients and the general public. Client satisfaction is monitored through client satisfaction surveys, compliments and complaints received through the Legal Aid Advice Line, through social media and on the website. Complaints received at local offices are recorded and monitored. Feedback from clients assists in assessing and improving services and upholding human rights. Due to the COVID-19 pandemic, and the re-allocation of some local office work to the Legal Aid Advice Line, client satisfaction surveys were suspended until February 2022. Since February 2022, a total of 223 civil and 43 criminal client satisfaction surveys were conducted. The overall satisfaction level for civil is 73% and 94% for criminal matters.

Legal Aid SA has a new mandate to provide legal representation in land related matters. The Legal Executive: Land Rights Management was appointed with effect from 1 August 2021. A delivery model for provision of legal representation in land matters was developed, including the staffing structure and budget requirements. The Land Rights Management Unit of Legal Aid SA began operations providing representation in land matters from 5 January 2022.

Regarding the Criminal Justice Review recommendations, all protocols entered into with CJS cluster partners are implemented, as are all the recommendations of the CJS Review Committee. Legal Aid SA provided a total of 19 comments on proposed legislation, the rules of court, the rules and regulations of the Legal Practice Council as well as proposed law reforms.

The COVID-19 Steering Committee formed during the last financial year, including representatives from the two recognised trade unions, continued to operate. Guidelines were continually developed to safeguard the health and safety of staff and review working arrangements. Regular communication regarding operations and daily COVID-19 updates was shared to keep staff abreast about developments in the country. There was a continued focus on employee wellbeing. Staff were equipped with all the tools necessary to facilitate remote working and received ongoing support.

Legal Aid SA strives to be an employer of choice and the Top Employer accreditation received for the 13th consecutive year by the Top Employers Institute provides evidence of the work that is done to maintain those aspects of the human resources function and people management practices that are successful and assess areas that need improvement.

The EVP was reconsidered and enhanced during this period. The Group Life cover was improved with additional cover benefits for Temporary Disability, Permanent Disability and Critical Illness; and Life Cover was doubled from R500,000 to R1 million. The professional services membership fees subsidies were maintained; the Candidate Attorneys' Practical Legal Training and Board Examination Fees were covered in full and the undergraduate bursary funding ceiling was increased by 50%. The Employee Wellness Programme, conducted virtually, focused on various topical issues including health awareness, physical illness in the workplace and financial wellbeing.

The Organisational Culture Programme provided an opportunity to discuss issues such as the impact of COVID-19 on employee engagement, client services management and corporate social responsibility activities. Twelve sessions of vicarious trauma workshops were conducted nationally via virtual platforms.

Training interventions continued through online platforms to respond to the challenges of the pandemic.

The introduction of webinars led to increased attendance of training sessions. E-Learning modules are regularly updated and a database of legal training, legal research and legal support material and automated templates are available to staff. Training interventions ensure that staff have an opportunity to improve competence and expertise as this enables them to provide quality services to clients.

Health and safety measures were in place throughout the financial year and monitored on a quarterly basis for compliance with the Occupational Health and Safety Act. The requisite Committees are in place, inspections reports were compiled, COVID-19 measures were established and complied with including guidelines on the return to work plan. Health and Safety Representatives and COVID-19 Compliance appointments are in place.

Legal Aid SA has 59 employees registered as Small Claims Court Commissioners contributing to the speedy resolution of minor disputes. Through our Asset Disposal Policy, which permits the donation of assets to community organisations that provide access to justice to the indigent, 138 computers were donated during the financial year. Further, we administered a Pro Bono Scheme which encourages practitioners to render pro bono services to indigent and vulnerable communities and 90 new matters were dealt with during this financial year.

Budget cuts have impacted on staffing and recruitment as a moratorium was placed on staff recruitment. As a result, the recruitment target was not met with recruitment at 91.8% against a target of 95%, which is 3.2% lower than the target; the low level of staff turnover (5.2%) is indicative of a stable work environment. Sound labour relations were achieved through a favourable relationship with organised labour and there was a low number of grievances, disciplinary hearings and matters and new labour disputes.

FINANCE AND GOVERNANCE

Strong governance performance included compliance with the PFMA, King IV guidelines and other relevant statutory requirements.

While the Board of Legal Aid SA was not fully constituted at the end of the financial year, it ensured the fulfilment of the mandate of Legal Aid SA through the monitoring of all aspects of the business in the execution of the Strategic Plan. Its role in IT governance and performance included the review and approval of the IT Strategic Plan, Cybersecurity Strategic Plan, IT performance reports and IT investments. The Board continued to monitor the implementation of the electronic Legal Aid Administration (eLAA) system which was enhanced and upgraded to meet business needs.

The Board considered and approved all policies to support risk management, including the Enterprise Risk Management Strategy; Fraud, Corruption and Ethics Management Policy; Risk Appetite and Tolerance Setting as well as the Combined Assurance Framework. The Board reviewed the Combined Risk Registers and Quarterly Risk Watch Reports.

Management completed Risk Control Self-Assessment surveys, the results of which indicated that almost all controls were adequate and effective. The Internal Audit Department assessed risk management as effective. Combined assurance is used to report on assessment of control across all levels of assurance providers. Emerging risks have been identified and relate specifically to the inadequate resourcing of the new Land Rights Management Unit, set up to provide legal representation in land matters.

The Internal Audit Function provided an independent assessment of the effectiveness of controls implemented by Management in the mitigation of organisational risks, as well as compliance and governance processes. The Department completed 110 projects which is 97% achievement of the target of 113 projects for the financial year. An additional three projects, not part of the approved Audit Coverage Plan, were completed. Internal Audit have assessed the overall controls and control environment, financial controls and risk management to be effective for the financial year 2021-2022 and have reported such to the Board.

High ethical standards are upheld and there is therefore a zero tolerance approach towards fraud and corruption and ethical conduct with clients is enforced. Incidents which were reported to the Fraud and Ethics Hotline were investigated and reported to the Board. The Forensic Audit Unit conducted eight Fraud Awareness workshops and issued two publications.

The Business Continuity Plan was reviewed and approved by the Board. Having responded effectively to the disruptions in service delivery brought about by the COVID-19 pandemic in the previous financial year, Legal Aid SA capably continued to monitor and respond to the changes in the environment.

The safety and protection of staff and clients remained a priority while meeting the needs of indigent and vulnerable persons for legal aid services.

High standards in financial management processes and reporting, internal controls and financial risk management controls have been maintained. Financial planning resulted in a balanced MTEF 2022/25 and Budget 2022/23 which were approved by the Board. All financial reporting requirements were met.

Through the review of leading practices in financial management there was a continued focus on the improvement of financial maturity. The Internal Control Framework was reviewed and approved by the Board. The Legal Aid SA budget expenditure for the financial year is 95% which is below the targeted expenditure of 98%. Baseline reductions over the MTEF period have resulted in a cautious approach, given that the budget has been reduced by 15% in the MTEF cycle 2021/22-2024/25.

ENVIRONMENT

Legal Aid SA has an Environmental Policy and Implementation Plan in place to guide the organisation in the administration and management of environmental issues. Training workshops on environmental matters were conducted during the financial year. The COVID-19 pandemic resulted in the use of virtual platforms for meetings, reducing travel costs. The organisation has a fleet of 642 vehicles which enable service delivery across all nine provinces. Carbon emissions from fuel usage was calculated based on fuel usage reports and indicated a 25% increase in carbon emissions when compared to the 2020-2021 financial year. Despite limited usage of air travel there was a 79% increase in carbon emissions expelled through flights. The increase in carbon emissions for the financial year is attributable to changes in lockdown regulations which resulted in staff being able to travel.

Electricity and water consumption decreased as the two teams approach resulted in a reduction in time spent at offices. Electricity consumption measured at the National Office showed a decrease by 34.6%. Measures such as the installation of light motion sensor timers and air-conditioning and heating time switch thermostats assisted in reduction.

The waste material recycling programme continued, in partnership with a company that collects recyclable materials. With staff spending less time at the office, there was a decrease in materials collected when compared with the previous financial year.

Legal Aid SA has demonstrated the ability to be agile during this period of uncertainty and change. The commitment to increase access to justice to positively impact the lives of indigent and vulnerable persons; maintain financial sustainability and retain and develop a competent and ethical workforce enabled us to effectively execute our mandate.

2. STAKEHOLDER ENGAGEMENT 2021-2022

Legal Aid SA accepts the definition of stakeholders as those groups who affect and/or could be affected by the organisation's decisions, activities, products and services and associated performance. The organisation operates within a complex stakeholder landscape involving multiple stakeholders each with distinct types and levels of involvement and with diverse needs and expectations. 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 entity recognises stakeholders as one of its most valuable assets, and, therefore, the relational capital built through the stakeholder engagement process is important in enabling the organisation to stay strategically relevant to its stakeholders and true to its mandate.

To date, the organisation has a vast stakeholder universe which comprises nine stakeholder clusters and several stakeholder types in each cluster.

The Legal Aid SA stakeholder universe can be classified below as follows:

01

JUSTICE CLUSTER

- Courts (including Judiciary & Prosecution)
- Law Clinics & Advice Offices
- Professional Legal Bodies
- Justice System Stakeholders (criminal & civil)
- Master's Office

02

GOVERNMENT

- Ministry of Justice & Correctional Services (Executive Autority & Departmental of Justice & Constitutional Development)
- National Treasury
- Department of Agriculture, Land Reform and Rural Development
- Government Departments (National, Provincial, Local)
- Judicial Inspectorate of Correctional Services
- SAPS & Department of Social Services
- Parliamentary Portfolio Committee on Justice & Correctional Services

03

SERVICE PROVIDER

- Co-operation Partners
- Judicare Practitoners & Agency Agreements
- Other suppliers

04

INTERNAL PUBLIC

- Board Members
- Employees

05

EXTERNAL PUBLIC

- Clients & Potential Clients/Public (LSM 1-5)
- Representatives from the Justice Cluster, Government Departments, Chapter 9 Institutions, CBOs, FBOs, NGOs, SAPTU, SALAWU

06

ADVOCACY GROUPS

- Commissions & Chapter 9 Institutions
- Non-governmental Organisations & Lobby Groups

07

INTERNATIONAL LEGAL BODIES

- African/International Legal Aid Bodies

08

EDUCATIONAL INSITUTIONS

- Tertiary Institutions & Schools

09

MEDIA

- National Print, Broadcast, Online, Community & Regional Media

Table 23: Engagement with Stakeholders

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
A) Legal/ Justice	1. Courts (including Judiciary and Prosecution)	**Strategic Objectives** A) Shared vision and commitment to ensure an effective justice system that upholds constitutional rights. B) Review of criminal legal aid demand and ensure adequate coverage. C) Acquire meaningful insight and input to the organisation's strategic direction. D) Improved relationship with courts in order to facilitate the provision of quality legal services as well as contribute to the efficient operation of the justice system as a whole. **Report on Performance** A) Legal Aid SA continues to participate in the Criminal Justice System review process. B) Legal Aid SA participates in the Rules Board for Courts of Law that updates and improves the functioning of the civil justice system. Legal Aid SA continued to provide comments on any suggested changes to legislation and Rules of Court. C) Legal Aid SA's National Office, as well as Legal Aid SA Provincial and Local Offices engaged court-based stakeholders through the following engagements: i. Participated in meetings/interactions (3,295) with presiding officers. ii. NEEC (0), PEEC (19) and Dev Comm meetings. iii. Participated in meetings (575) of local Case Flow Committees (394). iv. Participated in the Intersectoral Committee on Child Justice that deals with matters of children in conflict with the law. D) Legal Aid SA participated in a workshop convened on the Land Court Bill and legal representation in land matters. E) Legal Aid SA provided comments to the South African Law Reform Commission on the papers regarding Marriages, Matrimonial Property, Relocation of Children and the Domestication of the United Nations Convention on the rights of persons with disabilities.	A) Stakeholder concerns about the extent of our criminal legal aid coverage and capacity in courts, e.g., our inability to provide 100% coverage in both DC and RC; the lack of relief capacity, as well as our response to reduced budgets. B) Stakeholder representation on increased civil legal aid services, e.g., civil legal aid services/ consultations at all courts; increased legal services in maintenance matters and domestic violence, and representation for unrepresented civil litigants in the High Courts. C) Stakeholders required input from Legal Aid SA on court directives issued to regulate the operation of courts during lockdown periods, as well as information on how Legal Aid SA would cover courts during these periods. D) Legal representation in land matters. E) Access to civil legal aid in rural areas. F) Lack of communication with civil legal aid clients.	A) The details of our criminal service delivery were shared with stakeholders, explaining: i. the need to align supply and demand per court room to maintain optimal court coverage levels in light of reduced staffing levels. ii. that the Staff Deployment Programme at courts is aligned to our current capacity. However, due to budget constraints, this may not always in be in line with what other court stakeholders require from Legal Aid SA. iii. that our SOPs regarding contingency measures to cover courts in the absence of the regular practitioner were canvassed. iv. the importance of allowing practitioners a day out of court for consultation and preparation to improve the quality of their work. v. statistics which were shared on all children represented by Legal Aid SA. vi. staff deployment plans ensuring that practitioners' preparation days are spread throughout the week. vii. court directives during periods of lockdown. Information was shared on the deployment of our staff to cover courts during lockdown periods. B) Our civil delivery programme was explained: i. The programme was impacted by the Regulations, Directives and Guidelines to limit the spread of COVID-19, but clients could always access the toll-free Legal Aid Advice Line for advice or appointments with legal practitioners. ii. Our policy on maintenance and domestic violence matters has been revised to increase access, especially for the elderly and disabled persons. iii. We introduced a contribution policy in civil matters which will increase access to civil legal aid services for clients who do not meet the parameters of the Means Test but cannot afford the costs of private legal representation. iv. Civil legal aid clinics where prevalent legal issues are addressed, and awareness of legal aid services are communicated, continued in circumstances where we could ensure that clients and staff are protected and adhered to COVID-19 safety measures. C) We are working with the relevant Government departments to understand the legal representation need in land matters to determine how we can respond. D) SO paralegals attend to outreach sites in SOs' coverage areas which are mainly rural, and back-up legal services by civil legal practitioners are made available to the advice offices to extend civil legal services to such areas that are far from our offices, particularly rural areas. E) Legal Aid SA implemented SMS communication functionality to improve communication and the providing of feedback to clients.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
A) Legal/ Justice	2. Law Clinics and Advice Offices	**Strategic Objectives** A) To be responsive and have co-operative relationships with other service providers. B) To increase access to legal services through partnering with like-minded organisations. **Report on Performance** A) LOs linked to 101 Community Advice Offices through 269 visits to provide assistance and back-up legal services. A total of 1,264 clients were seen and 260 new files were opened. B) Legal Aid SA continued to engage with CAOSA to provide support and input on the regulatory framework of Community Advice Offices and paralegal work.	A) Community Advice Offices require support to ensure their sustainability. B) Legal representation support required for clients whose matters require litigation. C) Support required when expertise available at Community Advice Offices cannot address legal needs of their clients. D) Community Advice Offices require material help.	A) Legal Aid SA is not in a position to provide financial support to Community Advice Offices and focus our support on addressing legal services needs of clients. B) Litigation support and specialist legal advice support is made available through our programme, which was amended to allow Community Advice Offices to call on us when they need assistance. C) Access to our self-help modules support paralegals at Community Advice Offices to assist clients with their legal needs. D) Policy on donation of usable assets to Community Advice Offices remains in place. E) Legal Aid SA sits on the Legislative Task Team appointed by the Minister to prepare legislation to recognise the paralegal sector. F) Legal Aid SA has made office space available to CAOSA for meetings and workshops, where requested.
	3. Professional Legal Bodies	**Strategic Objectives** A) Effective interaction with professional bodies regarding professional regulatory matters concerning legal professionals. B) Acquire meaningful insight and input to the organisation's strategic direction. C) Increase access to justice through pro bono agreements with private practitioners. **Report on Performance** A) Legal Aid SA kept up to date with developments in the legal profession through continued interaction with legal professional bodies. B) The organisation has 1 seat on the Legal Practice Council. C) Legal Aid SA participated in 50 meetings with legal professional bodies. D) Input into development of relevant regulations for the Legal Practice Council, especially regulations dealing with practical vocational training. E) Legal Aid SA officials have executive positions in voluntary professional organisations such as Nadel, BLA and SAWLA. F) An agreement is in place with the Johannesburg Bar to do pro bono work for Legal Aid SA. G) Legal Aid SA embarked on a programme to empower women legal practitioners by providing access to higher income legal instructions.	A) Increasing the exposure of CAs to a variety of work. B) Processing of payments of membership fees for our practitioners. C) Efficient processing of contracts of community service for our CAs. D) The extension of contracts of CAs who went on maternity leave. E) The maximum number of CAs to a Principal. F) Implementation of our Quality Monitoring Programme for Judicare practitioners. G) Changes brought by the Legal Aid SA Act and Regulations as well as the new Legal Aid Manual. H) The allocation of pro bono work to legal practitioners. I) Male legal practitioners receive instructions that afford them higher earnings as opposed to female legal practitioners. J) BEE and women empowerment in the allocation of Judicare.	A) Our Pre-admission Training Programme was revised to ensure that CAs are exposed to as wide a variety of work as possible. B) Our CA Programme makes provision for CAs to carry criminal as well as civil files to ensure practical exposure to a variety of matters. C) Improved processing of documentation for registration of community service. D) Information was disseminated through our newsletter to all Judicare practitioners on the performance of such practitioners in file quality and court observation reviews. E) SOP developed to guide Legal Aid SA LOs where a conflict exists between two people, both seeking legal aid assistance. F) Statistics on the number of pro bono instructions issued have been shared with practitioners. G) Comment and input provided to the Legal Practice Council where rules and regulations changes are proposed. H) Legal Aid SA implemented a Women Empowerment Programme through which women legal practitioners will be given access to higher income instructions in an effort to improve the level of earnings for women legal practitioners. I) A revised formula was approved by the Board to ensure that a proportionally higher number of instructions are allocated to women.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
A) Legal/ Justice	4. Justice System Stakeholders (criminal and civil)	**Strategic Objectives** A) An improved criminal justice system. B) To increase civil legal aid. C) Joint efforts aimed at improving case flows at courts. D) Improved access to detainees. E) Improvement of the process of serving of civil process and executing court orders. F) Improved relationship with justice cluster stakeholders in order to facilitate the provision of quality legal services as well as contribute to the efficient operation of the justice system as a whole. **Report on Performance** A) Legal Aid SA is represented at all justice system stakeholder meetings, including participation in all local Case Flow Management Committees. B) Legal Aid SA LOs hosted annual Justice Cluster Forums. C) Participated in the Criminal Justice System Review Committee and contributed to the implementation of all relevant protocols to improve efficiencies in the criminal justice system. D) Legal Aid SA participated in 13 joint projects to increase access to justice including 40 media interviews during Wills Week. E) Legal Aid SA is represented on the Court Optimisation Task Team chaired by the Deputy Minister of Justice and introduced during COVID-19. F) Legal Aid SA continued to share information on RDs in custody for longer than 2 years, especially the top 20 per province. G) Legal Aid SA participated in the forum established to monitor the cross-border abduction of children in terms of The Hague Convention. H) Legal Aid SA participated in 202 joint projects to increase access to justice such as Wills Week, Access to Justice week, Women's Month, 16 Days of Activism for No Violence Against Women and Children, Youth Month, Human Rights Month.	A) Practises that cause delays in the finalisation of cases. B) Reducing the number of RDs in custody, especially those in custody for greater than 2 years. C) Implementation of protocols to improve the functioning of the criminal justice system. D) Improving our relationship with justice cluster stakeholders to ensure improved communication to address local challenges. E) Making qualifying practitioners available to act as Commissioners of the Small Claims Courts. F) Non-payment of Sheriff accounts. G) Non-contact joint projects due to COVID-19 regulations. H) Reporting on case backlogs due to COVID-19 lockdown and functioning of courts. .	A) All complaints/concerns raised at local Case Flow Management Committees investigated and addressed. B) Legal Aid SA compiles top 20 RDs list per province for the attention of respective PEECs. C) Legal Aid SA has implemented all protocols in as far as it affects the organisation. D) Legal Aid SA ensures participation of Senior Managers at all local Case Flow meetings. E) Enhanced tracking and monitoring of children awaiting trial. F) A divorce self-help package is available on our website. G) The protocol with the Sheriff's Board provides guidelines on the processing and payment of Sheriff's accounts as well as the lodging of complaints. H) Legal Aid SA implemented internal procedures with regard to Sheriffs that are non-compliant to ensure that legal process can be served and clients' rights are protected. I) Virtual media interviews instead of the usual in-studio interviews. J) Capacity constraints explained, recommendation that local case flow task teams prioritise backlog.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
A) Legal/ Justice	5. Master's Office	**Strategic Objective** Linkage with Master's Office to attend to estate matters on behalf of children. **Report on Performance** A) Engagements with Chief Master to respond to operational challenges. Provincial engagements in place to resolve local challenges. B) Implementation of the MOU reviewed quarterly. C) 2,009 new deceased estate with minor children matters were taken on. D) Payments to beneficiaries were effected in the amount of approximately R36 million. E) Legal Aid SA engaged with service providers that investigate and provide details of financial products held by deceased persons to facilitate that such information is available to our LOs. F) Legal Aid SA engaged with the Banking Association of South Africa to provide contacts at banks to provide information on unknown deposits in deceased estate matters.	A) Lack of referral of matters to Legal Aid SA from Master's Office. B) Delay in deceased estate matters.	A) Engagements with Provincial Master's Offices to discuss the referral systems. B) Legal Aid SA implemented weekly tracking of the oldest deceased estate matters and discussed measures to expedite finalisation. C) Continued engagement with the Master's Office to facilitate the payment of monies into the Guardian's Fund. D) Internal tracking report of payment requests from the Trust Account circulated daily to ensure that any delays in processing payments are identified and addressed. E) Legal Aid SA engaged a company that can provide information on financial benefits held by deceased persons at the time of death, to address the delays caused when families are not able to provide such information.
B) Government	6. Ministry of Justice and Correctional Services (Executive Authority) and Department of Justice and Constitutional Development	**Strategic Objective** Ensure best governance practice, King IV guidelines and compliance with PFMA and other statutory requirements. **Report on Performance** Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.	A) The Executive Authority acknowledged and commended Legal Aid SA for good performance and for being a shining light in the Justice Cluster. B) Meetings with the Executive Authority and other stakeholders occurred as and when required.	A) No issues raised by the Executive Authority. Legal Aid SA was accountable and compliant with relevant legislation. B) The organisation participated in all relevant stakeholder meetings as required.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
B) Government	7. National Treasury	**Strategic Objective** Ensure best governance practice and compliance with PFMA and other statutory requirements. **Report on Performance** A) SCM and PMU officials met with officials from Office of the Chief Procurement Officer to discuss challenges with property lease procurement and other various SCM matters. B) Legal Aid SA attended the MTEC and MTEF bilateral meetings arranged by National Treasury.	A) Legal Aid SA is seen as a professional entity. Meetings and presentations on finance matters are handled in a very proficient manner at all times. No additional funds allocated for the financial year under review due to financial constraints facing the country as a whole. B) There were budget cuts implemented for Legal Aid SA during the period under review. C) Legal Aid SA seen as one of the few entities with an excellent track record on the Auditor-General's independent audit opinions.	A) Material compliance on PFMA and full compliance on other statutory requirements. B) New circulars and NT guidelines introduced were implemented by Legal Aid SA to ensure good governance and financial maturity. C) Accounting Standards were applied when preparing the quarterly and Annual Financial Statements. D) Engagement with National Treasury and Department of Justice and Constitutional Development for the funding of the Land Rights Management Facility.
	8. Government Departments (other) (National, Provincial, Local)	**Strategic Objectives** A) To be responsive and have co-operative relationships with government departments. B) Acquire meaningful insight and input to the organisation's strategic direction. C) Linkage with Department of Health for assistance of mental healthcare patients. **Report on Performance** A) 393 posters displayed at Government service points. B) 4,473 posters displayed at police stations, correctional centres and courts across the country. C) 917 community events held at Government key service delivery points. D) Successful partnership with the Department of Basic Education for anti-bullying campaign launched as part of Child Protection Week. E) Partnership with the Department of Women, Youth and People with Disabilities for the launch of the 16 Days of Activism campaign as well as the Enforcement of the Maintenance Act. F) Engagements were successfully held with the Department of Agriculture, Rural Development and Land Reform to move all land related matters from the previous service provider to Legal Aid SA.	A) Reduced access to legal aid services during adjusted lockdown levels. B) Communication platform/s (public lectures, presentations) not ideal for targeted stakeholders (children).	A) Operations subsequently adjusted. No appointment needed for clients to visit offices and Advice Line hours extended from 7am to 5pm on weekdays. B) Illustrative posters and stationery for distribution at schools and during child-related programmes/events.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
B) Government	9. Judicial Inspectorate of Correctional Services (JICS)	**Strategic Objectives** A) Continuous linkages with Department of Correctional Services for better access to detainees. B) Partnership with JICS to increase access to legal aid for detainees and inmates. C) Joint initiatives with all Justice Crime Prevention and Security Cluster stakeholders to reduce the number of Remand Detainees in custody for periods exceeding 2 years. **Report on Performance** A) Continuous linkages with Department of Correctional Services for better access to detainees. B) Partnership with JICS to increase access to legal aid for detainees and inmates. C) Ongoing meetings with JICS and interactions with Independent Correctional Centre Visitors at LOs where there are Independent Correctional Centre Visitors. D) Attendance at Visitation Committee meetings, where operational. E) Joint initiatives with all Justice Crime Prevention and Security Cluster stakeholders to reduce the number of RDs in custody for periods exceeding 2 years.	A) Legal Aid SA to ensure that senior Legal Aid SA LO Managers attend the local JICS meetings as arranged so that all inmate concerns regarding the provision of legal aid can be addressed. B) All inmate concerns regarding legal aid investigated and addressed. C) Visits undertaken by Legal Aid SA LO paralegals to offer assistance to unrepresented accused.	A) Legal Aid SA ensures that senior Legal Aid SA LO Managers attend the local JICS meetings as arranged so that all inmate concerns regarding the provision of legal aid can be addressed. B) All inmate concerns regarding legal aid are investigated and addressed. C) Legal Aid SA LO paralegals continued with their visitation programme to correctional centres to offer assistance to unrepresented accused. D) We introduced a system to report to clients in appeal/LTA/petition matters every 3 months. E) Proactive linkage by LOs with Independent Correctional Centre Visitors within coverage area to ensure that prisoner complaints and legal representation issues are attended to timeously.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
B) Government	10. SAPS and Department of Social Development	**Strategic Objectives** A) Effective engagement with the SAPS and Department of Social Development to ensure legal representation for children in criminal matters. B) Improved linkages with the SAPS system for referral of matters relating to legal aid. **Report on Performance** A) Legal Aid SA was part of 394 Case Flow Management Committees. The SAPS and Department of Social Development are represented in all these committees. B) Interaction with SAPS, Department of Social Development and other stakeholders to deal with children in conflict with the law takes place through the Intersectoral Committee on Child Justice. C) Legal Aid SA contributes a section in the Integrated Annual Report of the ISCCJ. D) Provincial Offices participated in all Provincial Child Justice fora. E) Integration of our legal administration system and the CAS system is still being pursued as part of the IJS deliverables. F) Legal Aid SA partnership extends to other areas including outreach programmes, social mobilisation and rights-based awareness through branding at numerous SAPS police cells nationally. G) There is a common understanding among stakeholders to share information regarding children in custody. H) Solid relationships are built to jointly co-ordinate efforts in dealing with child justice matters.	A) Stakeholder departments are continuously trying to find alignment in statistical reporting compared with that of Legal Aid SA. B) Information is shared within Legal Aid SA on research studies on trends regarding children used by adults to commit crime. C) Information is shared within Legal Aid SA on research conducted by the Department of Social Development on the link between drug abuse and offending. D) Data is provided on children represented in Preliminary Inquiries and in Child Justice Courts.	A) Legal Aid SA visits all holding cells where children are held to ensure legal representation is provided. Legal Aid SA also tracks all children held in custody at correctional facilities. B) Department of Social Development and Department of Correctional Services stakeholders are continuously engaged on the quality of reports prepared in children's matters, both criminal and civil. C) Information is shared within Legal Aid SA on research studies on trends regarding children used by adults to commit crime. D) Information is shared within Legal Aid SA on research conducted by the Department of Social Development on the link between drug abuse and offending. E) Legal Aid SA is leading the development of a Strategic Plan for the ISCCJ. F) Data provided on children represented in Preliminary Inquiries and in Child Justice Courts.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
B) Government	11. Parliamentary Portfolio Committee on Justice and Correctional Services	**Strategic Objective** Reporting and accountability to the Executive Authority and statutory compliance maintained and improved. **Report on Performance** Legal Aid SA appeared 3 times before the Portfolio Committee on Justice and Correctional Services as follows: i. 6 May 2021 - Legal Aid SA Strategic Plan 2020-2025, Annual Performance Plan 2021-2022 and the 2021-2022 Budget. ii. 12 May 2021 - Briefing on Regulations (Legal Aid SA). iii. 19 November 2021 - Integrated Annual Report 2020-2021.	The Portfolio Committee was appreciative of the work done by Legal Aid SA and the good systems in place to monitor legal quality.	Legal Aid SA responded to all Parliamentary questions raised.
C) Service Providers	12. Co-operation Partners	**Strategic Objective** Boost capacity and resources to deliver quality legal services/ensure increased access to justice. **Report on Performance** A) New proposals for Co-operation Agreements as well as for the termination or restructuring of existing agreements considered by the LSTC. Legal Aid SA entered into 9 Co-operation Agreements with University Law Clinics to increase access to legal services in specific geographical areas or specific matter types. B) Provincial Office access to universities still limited but annual audits successfully conducted. C) Effective referral system in place with Co-operation Agreement Partners in respect of specialist matters or in instances where a conflict of interest prevents Legal Aid SA from providing legal representation.	A) Funding requests for Co-operation Agreements high and Legal Aid SA is not able to meet the full funding requests. B) Co-operation Partners seek additional assistance through donations of vehicles. C) Assistance for clients that cannot be assisted by Legal Aid SA.	A) Funding to Co-operation Partners available and limited to the allocated budget for Co-operation Agreements. B) Procurement process for Co-operation Agreements finalised and new 3-year period contracts awarded for 9 Co-operation Agreements. C) Vehicles made available for donation to Co-operation Partners in terms of our disposal policy. D) Referral systems in place between Legal Aid SA LOs and relevant Co-operation Partners to ensure that clients that Legal Aid SA cannot assist are assisted by a Co-operation Partner without delay. E) Allocation of Co-operation Agreements considers assistance to clients in geographical areas that are far from Legal Aid SA contact points. F) Co-operation Partners' productivity monitored by Provincial Offices and tabled at LSTC for deliberation.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
C) Service Providers	13. Judicare Practitioners and Agency Agreements	**Strategic Objectives** A) Boost capacity and resources to deliver quality legal services/ensure increased access to justice. B) Increase access to justice in rural-based courts that are uneconomical to service from a Legal Aid SA LO. **Report on Performance** A) Bi-annual newsletter published for Judicare practitioners. B) Judicare practitioner briefing sessions are held at LOs to discuss all issues affecting Judicare practitioners. C) Individual communications sent to Judicare practitioners to highlight changes in policy. D) All Agency Agreements renewed and new proposed sites advertised. E) Individual engagements held with Judicare practitioners on quality.	A) Clarification on the payment of accounts including interim accounts. B) Clarification on the prescription of accounts and the prevention of prescription. C) Clarification on the Judicare Quality Monitoring Programme. D) Questions on the tendering process for Agency Agreements.	A) Accreditation criteria was reviewed and refinements effected. B) Communications were sent regarding the payment of interim accounts. C) Details of our Judicare Quality Monitoring Programme shared with practitioners. D) Issues around the prescription of Judicare accounts were addressed in Judicare briefing sessions as well as in the Judicare newsletter. E) Ethics and the concerning issue of fraudulent claims were addressed in the Judicare newsletter.
	14. Other Suppliers	**Strategic Objectives** A) Improved relations and supplier co-operation. B) Promote better understanding of Legal Aid SA's procurement policies and procedures. **Report on Performance** A) Regular updates with regard to SCM matters and guidelines sent out to suppliers through newsletters, SMSes and emails. B) Tender briefings and publishing of tender results on our website. C) Prospective suppliers advised to register on the NT Central Supplier Database (CSD).	Suppliers requested Legal Aid SA to clarify SCM requirements for tenders and requested assistance with CSD registration.	A) Held tender briefing meetings, where applicable, to clarify SCM requirements. B) Suppliers were assisted with registration on the NT CSD.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
D) Internal Public	15. Board Members	**Strategic Objectives** A) Skilled and properly constituted Board and Board Committees that function effectively to lead the organisation. B) Ensure ongoing dialogue between Legal Aid SA Management and Board. **Report on Performance** A) Board meetings convened as scheduled. B) Board evaluation took place. C) The Board of Legal Aid SA was not fully constituted as at the end of the financial year. Thirteen out of 14 positions were filled; the 1 vacancy is due to the retirement of the NOE, which meant end of tenure as a Board member. D) Board strategic and effective in providing leadership and oversight of delivery on performance. E) Board Workshops held in August 2021, February 2022 and March 2022, predominantly focusing on impact of budget cuts on service delivery and possible review of the Legal Aid SA mandate. Detailed areas of discussion include: Code of Ethics for the Board; new Legal Aid SA mandate: Land Matters and associated risks; organisational modifiers; IT systems; Board Development Training - Corporate Governance, Risk Management; Amendment of the Legal Aid SA Act 39 of 2014. F) Board governance instruments reviewed, save for the Board Governance Charters and Board Code of Ethics.	Board members engaging on the issues in the organisational environment.	Board member training and being effective in their oversight role.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
D) Internal Public	16. Employees	**Strategic Objectives** Ongoing dialogue between Legal Aid SA employees and Management at all levels. **Report on Performance** A) Ongoing Management and staff discussions on the importance of strategic planning and pertinent management and operational matters. B) Employee Wellness and People Development Programmes implemented during the year. C) Values-based Legal Aid SA Organisational Culture Programme implemented, including diversity. D) Social and Ethics Programme implemented. E) Monthly staff meetings including quarterly forums. F) Issued weekly online newsletters and Good News Alerts. G) Internal events on human rights and other special days implemented for employees, including annual Achiever Awards ceremonies.	Feedback received from virtual workshops raised comments concerning practical implementation issues such as models of providing legal aid in criminal and civil matters, improving legal services delivery and access for clients, processes within the criminal justice system, stakeholder relations and raising awareness of the Legal Aid SA brand.	A) Comments and suggestions with regard to operational issues were considered in the Legal Aid SA Business Plan 2021-2022. B) Suggestions and recommendations were received through internal communication platforms, mainly emails, virtual meeting discussion sessions and the Intranet. C) Strengthened focus on both social media and internal communication, including an increase in the frequency of information sharing on our social media platforms. D) Maintenance and monitoring of brand uniformity in terms of embedding revised corporate identity colours at our offices, on our vehicle fleet, signage and other corporate identity templates including the use of the updated email signature. E) Issued 696 daily staff email updates, 22 internal staff communiques on human rights/special days and 29 CEO messages that included new appointments, special announcements, et cetera. F) The National Brand Perception Survey was undertaken in 2021. Due to COVID-19 restrictions, only some Organisational Culture Programme events and commemoration of other special days were conducted during the reporting period.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
E) External Public	17. Clients and Potential Clients/ Public (LSM 1-5)	**Strategic Objective** Increased awareness and usage of Legal Aid SA services. **Report on Performance** A) 917 community outreach events or digital recordings were conducted to educate and inform the public. B) Innovative advertising campaigns: LED in-stadium advertising and TV in-content advertising all aimed at increasing brand awareness and education. C) Transit TV digital screens in train stations as part of the GBV campaign targeting commuters travelling during the festive season. D) Children's rights programmes on *Massiv Metro* and various community radio stations as part of Child Protection Week. E) Partnership with Department of Justice and Constitutional Development and Government Communication Information System for simulcast broadcast on 75 community radio stations as part of #LetsTalkJustice. F) Wills education on *Umhlobo Wenene FM* and *Ukhozi FM* (combined audience of over 12 million listeners) as part of the National Wills Week campaign. G) Women's Month profiles of Legal Aid SA females in leadership positions on various media platforms (print, online and broadcast). H) Legal Aid SA has seen sustained social media growth in the FY. Facebook grew to 36,657 followers; Twitter to 10,594 followers; Instagram to 2,952 followers, LinkedIn to 17,679 followers and YouTube to 186 subscribers. I) Website usage continues to grow organically, with a total of 372,313 users accessing the website in the FY. This is a 50.7% growth in website users from the previous FY. The website's Self-help Portal continued to be very popular during the lockdown, particularly information on divorce, as was information on working for the organisation and vacancies.	A) Increased demand for legal aid services on public email address. B) Increased inquiries on different legal aid service matters. C) Loss of key media buying and advertising opportunities due to prolonged turnaround times for proposal/quotation submissions. D) Inadequate number of legal practitioners available as spokespersons for media interviews at secluded LOs. E) Social media and Google advertising should be used to grow exposure of these platforms and further boost the public's awareness of Legal Aid SA. F) Google Maps presence to include all Legal Aid SA offices, to ensure further ease of access to information by the public.	A) Requests and legal aid applications referred to National Operations, Legal Development and Advice Line for legal advice. B) Meeting held with Procurement to discuss technical challenges on media buying for possible changes to policy or guidelines. C) Media SOPs revised to include District Court Legal Practitioners and Paralegals as part of spokespersons for media interviews on general legal aid objectives and public education initiatives. D) Social media and Google advertising investigated and implementation planned in 2022-2023 FY. E) Google Maps listings for all Legal Aid SA offices underway, to be completed in new FY.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
E) External Public	18. Representatives from the Justice Cluster, Government Departments, Chapter 9 Institutions, CBOs, FBOs, NGOs, SAPTU, SALAWU	**Strategic Objective** A) Improved linkages to increase awareness of legal aid services as well as referral of clients to Legal Aid SA. B) Engagement and consultation with external stakeholders to obtain input on Legal Aid SA's contribution to the justice system. **Report on Performance** A) CBO and FBO stakeholders invited as part of virtual Provincial Stakeholder Forums. B) A total of 198 media interviews on community radio stations to provide education and information concerning legal rights and obligations.	Many community radio stations rely on advertising revenue/ financial support to also provide public relations slots and other opportunities.	The motivation to have community media listed as beneficiaries of old computer equipment and furniture was updated and noted by the National Office Asset Disposal Committee and adopted.
F) Advocacy Groups	19. Commissions and Chapter 9 Institutions	**Strategic Objectives** A) To network with Commissions in safeguarding the rights of vulnerable persons. B) Ensure effective referral systems of clients with legal representation needs to Legal Aid SA. C) Co-branding initiatives/human rights awareness campaigns. **Report on Performance** A) Legal Aid SA maintained partnerships with Commissions and other Chapter 9 Institutions. B) Legal Aid SA represented on the South African National AIDS Council (SANAC) Human Rights Technical Task Team. C) Public information sharing with relevant institutions through co-partnerships on access to justice and awareness on constitutional rights. D) Legal Aid SA participated in the South African Law Reform Commission discussion on Relocation of Families. E) Legal Aid SA has a single source of referral for all correspondence and legal aid related complaints from Chapter 9 Institutions.	A) Referral procedure for clients who need legal aid assistance. B) Reduced assistance to clients. C) Availability of legal practitioners and ability to access LOs.	A) Referral system and procedure in place with the Commissions and Chapter 9 Institutions. B) A paralegal in the Legal Development Department and a Legal Admin Officer in the National Operations Department perform a public liaison function to facilitate the receipt of complaints, distribution to relevant internal person and follow up on finalisation of complaint to ensure response to complainant. C) Toll-free Legal Aid Advice Line available for clients to contact to make appointments with legal practitioners during periods when access to LOs was restricted. D) Legal Aid SA implemented SMS communication functionality to improve communication and the providing of feedback to clients. E) All legal practitioners linked to MS Teams which can be used to consult with clients online.

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
F) Advocacy Groups	20. Non-governmental Organisations and Lobby Groups	**Strategic Objectives** A) To strengthen partnerships. B) To ensure effective referral systems of clients with legal representation needs to Legal Aid SA. **Report on Performance** A) Memorandum of Understanding initiated with the SAWLA for public education campaigns. B) Partnership with SAWLA, DoJ&CD and other lobby groups as part of the 16 Days of Activism campaign to protect women, children, persons with disability and LGBTIQ+ persons against violence and abuse.	Reduced access to legal aid services during adjusted lockdown levels.	Operations adjusted accordingly. No appointment needed for clients to visit offices and Advice Line hours extended from 7am to 5pm on weekdays.
G) International Legal Bodies	21. African/ International Legal Aid Bodies	**Strategic Objective** Foster relationships that will result in partnerships to strengthen legal aid internationally. **Report on Performance** Due to the COVID-19 pandemic, no national or international travel could take place.		

Table 23: Engagement with Stakeholders (continued)

Group	Stakeholder	Engagement	Report on Input Received	How Issues Were Responded To
H) Educational Institutions	22. Tertiary Institutions and Schools	**Strategic Objectives** A) Position Legal Aid SA as an employer of choice to potential Candidate Attorneys. B) Educate learners about their rights and responsibilities at schools/brand awareness. C) Ensure that students understand the organisation's Employee Value Proposition. **Report on Performance** A) Ten University outreach programmes were conducted virtually. The total number of students who participated was 1,934. B) 4,552 Candidate Attorney applications were received, while 258 were placed.	A) Legal Aid SA is mostly the preferred organisation that students want to do their Articles of Clerkship with. B) Students enquired about the recruitment process to become a CA.	Complaints regarding CA recruitment were referred to Provincial Offices for further clarification and resolution.
I) Media	23. National Print, Broadcast, Online, Community and Regional Media	**Strategic Objectives** A) Improved share of voice for Legal Aid SA in the media. B) Position thought leadership within Legal Aid SA. **Report on Performance** A) 46 media networking sessions held, geared toward mainstream media editors and producers. B) 17 self-written media pieces, including press releases highlighting the newly established Land Rights Management Unit, the constitutionality of section 15 of the Extension of Security of Tenure Act, press release reiterating the fundamental role of Legal Aid SA and in-depth media pieces on a variety of legal topics published in national and regional media platforms. C) 221 broadcast interviews conducted by senior legal practitioners discussing legal issues and the mandate of Legal Aid SA. D) 36 media queries responded to timeously. E) Social media reach and content generation saw sustained organic growth. Converged content across different media platforms continues to be an effective strategy for brand visibility.	A) The majority of news reporting is now done through digital platforms instead of print media. B) There are still media publications that refer to the organisation as the Legal Aid Board.	A) Continually maintaining relationships with journalists from a variety of media platforms. B) Continuous engagement with journalists and news editors regarding the correct naming convention for the organisation.

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PART E
HUMAN RESOURCES MANAGEMENT

82% employee satisfaction

13 consecutive years as a Top Employer South Africa

5.2% staff turnover rate

>79% staff intend on remaining in employment for next 2 years

top EMPLOYER SOUTH AFRICA 2022
CERTIFIED EXCELLENCE IN EMPLOYEE CONDITIONS

1. OVERVIEW OF HR MATTERS AT THE PUBLIC ENTITY

During the 2021-2022 financial year, Human Resources Management continued to ensure sustainable employment practices and people management despite the continued challenges brought about by the advent of the COVID-19 pandemic and the budgetary constraints experienced by the organisation over the years. Human Resources Management continued to ensure stability in Legal Aid SA's Employee Value Proposition (EVP) regardless, by steadily improving same whilst prioritising the wellness, health and safety of employees. This included key human resources incentives such as performance incentive, employee engagement, cohesion education, training and development in creative ways given the financial constraints and human resources policy developments including adjusted flexible work arrangements. The organisation implemented proactive COVID-19 measures in line with the National Disaster Management Act and the Occupational Health and Safety Act. Human Resources Management also made great and affirmative strides in building and fostering sound individual and collective relations with the two recognised trade unions, SALAWU (South African Lawyers and Workers Union) and SAPTU (South African Parastatals and Tertiary Institutions Union). Although recruitment levels were below target, a satisfactory turnover rate and training and development targets were achieved.

Overall, Human Resources Management strived to continuously add value to the core business and support the organisation in the achievement of its strategic goals.

2. SET HR PRIORITIES FOR THE YEAR UNDER REVIEW AND THE IMPACT OF THESE PRIORITIES

Human Resources Management endeavours to focus on supporting and achieving Legal Aid SA's strategic objectives through a motivated and engaged workforce by improving continually on its EVP to attract and retain talent and skill as well as enhance all other employment practises and ensure sound individual and collective labour relations. Human Resources Management also strives to maintain an organisational culture of continuous self-development, learning and high work performance whilst striking the necessary work-life balance. The health and safety of Legal Aid SA employees is also a priority, particularly in the view of the COVID-19 pandemic.

The key priorities set for the Human Resources Function, over and above maintaining the standard talent management programmes, included maintaining a competitive EVP, ongoing leadership development and high levels of employee engagement all within the context of budget reductions to the cost of employment.

2.1. MAINTAINING A COMPETITIVE EVP

During the 2021-2022 financial year, the entity's Human Resources practises were reviewed against people management leading practises. Legal Aid SA was accredited as a Top Employer South Africa and proudly received the accreditation for the 13th consecutive year. This benchmark provides assurance that the organisation's talent management, leadership, culture and development practises are in keeping with international contemporary leading practice.

In maintaining its commitment to constant improvement in people management practice, Legal Aid SA has continuously benchmarked its human resources policies and practices against the Top Employer standards and those of Innocentrix, an innovation benchmarking organisation.

As part of sustaining the EVP, the entity maintains a healthy and happy workforce in the organisation. The following EVP aspects were reviewed: the prior year's Group Life cover was enhanced with additional cover benefits ranging from Temporary Disability, Permanent Disability, Critical Illness; Life Cover was doubled from R500,000 to R1 million per Life Cover; professional services membership fees subsidies were maintained; Candidate Attorneys' Practical Legal Training and Board Examination Fees were covered in full and the undergraduate bursary funding ceiling was increased by 50% as well. Additionally, the 2019-2020 Performance Bonus was retained at the same rate in recognition of employees' contribution towards the entity's sterling performance.

2.2. LEADERSHIP DEVELOPMENT PROGRAMME

During 2021-2022, leaders were held accountable for reinforcing the organisational culture and for employee engagement. Leaders are being supported to build trust and influence the discourse during organisational culture activities.

Ethical leadership assessment and awareness and client management services activities were conducted to help leaders understand the importance of delivering services efficiently. Ongoing leadership support to ensure that leaders are able to engage with their teams whilst providing direction is essential to employee engagement during moments of uncertainty. Positive, effective leadership helps navigate crises, rebuild teams and forge ahead into innovative and creative spaces.

In 2021-2022, the Legal Aid SA Board had approved the Succession Planning Strategy to drive the Succession Planning Programme. The 9 Box Talent Management Tool continues to be used to identify high performance and potential incumbents for the pool for succession planning. This tool has assisted to ensure a more intentional purpose-directed leadership and succession management approach in the year under review.

2.3. MANAGING EMPLOYEE ENGAGEMENT

Employee engagement is critical to business outcomes and in delivering the organisation's constitutional mandate. Given that Legal Aid SA has largely operated as a hybrid workforce in 2021-2022, the results of an internal engagement survey are extraordinarily positive. Employee satisfaction went up in all dimensions, with an overall organisational score of 82%. In the survey, it was revealed that managers are demonstrating a high standard of work quality and employees were satisfied. Furthermore, more than 79% of employees plan to remain in the employ of the organisation for the next two years. As a result, the staff turnover rate remained at an average of 5% which is well below the industry norm of 10%. Overall, the engagement survey helped in measuring the engagement level of employees as well as expressing objective opinions about the organisation. Internal surveys assist Legal Aid SA to continue growing ambassadorship, and enable its connection between employees, the brand and its impact on society. Additionally, the entity ensured that employees have appropriate platforms and objective support through continuous engagement and collaboration.

2.4. HEALTH AND SAFETY IN VIEW OF COVID-19

During the financial year under review, Legal Aid SA managed the impact of COVID-19 effectively and efficiently. Just over 54% of employees were vaccinated. The COVID-19 Steering Committee monitored and ensured oversight over health and safety risks and adjusted the operational return to work guidelines in line with national legislation and regulations as and when it became necessary. Human Resources Management will continue to facilitate the functioning of this committee and the implementation of the health and safety measures meant to mitigate the risks against any possible outbreak or spread of COVID-19. Various workplace policies and procedures will be reviewed as may be necessary to manage the impact of COVID-19 in the workplace.

The Occupational Health and Safety Act enjoins the organisation to provide and maintain a working environment that is safe and without risks to employees, as far as is reasonably practicable. As such, Legal Aid SA will continue to focus on taking steps that are reasonably practicable to eliminate or mitigate any hazard or potential hazard to the health and safety of employees and all persons including clients who have dealings with the entity. Efforts to disseminate information on COVID-19 to all staff and encourage employees to vaccinate against the pandemic is key to a healthy and safe work environment.

3. WORKFORCE PLANNING FRAMEWORK AND KEY STRATEGIES TO ATTRACT AND RECRUIT A SKILLED AND CAPABLE WORKFORCE

The entity bases its workforce planning framework on a 'practitioner per court' model which is aimed at having dedicated Legal Aid SA practitioners based at courts. In the Magistrate's Courts (District and Regional), the 'practitioner per court' model serves the requirements of providing service at scale, meeting high volume needs. The advantage of the 'practitioner per court' model is that the same practitioner can take on all cases required in a specific court on a specific day. This provides certainty amongst court-based stakeholders as to who the Legal Aid SA service provider is and contributes positively to efficient case flow management.

The organisation's 'practitioner per court' model has a target of achieving ≥80% coverage of District Courts and ≥90% coverage of Regional Courts. In the 2021-2022 financial year, we achieved our target of 84% coverage of District Courts, however 81% coverage of Regional Courts was achieved which is below target.

In the High Courts, the central diary system provides the opportunity to match each case with the appropriate levels of practitioner skills and ability. Whilst the practitioner per court coverage explained above is the current targeted court coverage, Legal Aid SA strives to improve court coverage, with any improvements in this regard being dependent on additional budget allocations from the National Treasury.

The entity remained reasonably well recruited throughout the year under review with a recruitment rate of 91.8% being recorded as at financial year end against the targeted recruitment of 95%. The recruitment rate was below target due to mitigation measures implemented at points in response to budgetary uncertainty and reductions in the total cost of employment. In so far as civil legal aid is concerned, workforce planning is undertaken based on demand in each Legal Aid SA Local Office coverage area together with the ability of the organisation's capacity to efficiently serve this demand. The workforce planning approach of the support platform is one of continuous improvement and leading practice alignment.

The support services platform continuously refines and develops support models to improve sustainability, efficiency and effectiveness of delivery. Business processes and organisational structures in support departments were reviewed in response to the need to reduce the total cost of employment.

The turnover rate of 5.2% in relation to permanent positions recorded for the 2021-2022 financial year is well within acceptable norms. The key Legal Aid SA attraction and retention strategy is the offering of a viable EVP which is appealing to our knowledge-based workforce both in terms of financial rewards, professional fulfilment, work-life balance and social consciousness in improving the lives of the indigent and vulnerable by providing access to justice.

4. EMPLOYEE PERFORMANCE MANAGEMENT FRAMEWORK

The organisational Performance Management Framework has continued to deliver sustainable, holistic and integrated organisational performance. This is because the inclusive Performance Management Policy applies to all permanent employees and contains elements of collective and individual performance which must be delivered within budget and in compliance with organisational rules and policies. Whilst each employee's individual performance is critical, every employee must ensure a team approach to performance so that Legal Aid SA's Business Plan is holistically delivered whilst complying with budgetary and policy frameworks.

The annual revision of the Performance Management Framework provides a comprehensive, continuous and flexible approach to the management of performance in the entity, in a way that recognises achievement, deals with underperformance and reflects good practice at international level. The framework allows Legal Aid SA to calibrate effectively and relevantly within the versatile cultural environment and its challenges, sustaining talent pool identification for critical job positions. The Performance Management Framework also includes aspects aimed at stimulating innovation, exceptional performance beyond agreed deliverables and paradigm changing organisational solutions. In addition, leadership development and performance forms part of the system for all managers.

Each Management employee's performance assessment is weighted as follows:

Key Performance Indicators	60%
Contribution to Strategic Outcomes	20%
Management and Leadership Effectiveness	10%
Engagement with Culture and Values	10%

Each non-Management employee's performance assessment is weighted as follows:

Key Performance Indicators	70%
Contribution to Strategic Outcomes	20%
Engagement with Culture and Values	10%

5. EMPLOYEE WELLNESS PROGRAMME (EWP)

During 2021-2022, we continued to witness the impact that the COVID-19 pandemic had on individuals and the organisation. A goal was set to provide continued support and guidance to all employees during the period through awareness talks and independent counselling services.

Legal Aid SA made employee wellness services available through the in-house Clinical Psychologist as well as an external service provider. These enabled employees to access healthcare professionals on a national level. Employees were assisted in managing both personal and occupational difficulties. The number of employees who utilised employee wellness services throughout the financial year is about 500.

In addition, vicarious trauma training was also provided nationally, via an online platform, to assist legal professionals in gaining an understanding of how being exposed to trauma in criminal cases can have an impact and to find ways of dealing with and managing these trauma symptoms.

Psycho-educative material and wellness talks were also presented on a regular basis to help all employees in improving and managing both physical and mental health. These wellness talks were facilitated by different healthcare professionals and included topics such as awareness on tuberculosis, HIV/AIDS, cancer, men's health, women's health and physical health in the workplace. Numerous COVID-19 vaccination awareness talks were also held to help educate employees on the effectiveness and science of the vaccine.

Legal Aid SA successfully supported employees who suffered from and were affected by mental health struggles and emotional COVID-19 related matters through the well-structured EWP.

6. POLICY DEVELOPMENTS: HIGHLIGHTS, CHALLENGES, FUTURE GOALS

The organisation has benchmarked its human resources practices against the Top Employers Institute standard and is proud that it received Top Employer South Africa accreditation for the 13th consecutive year.

In keeping with its commitment to continuous improvement in people management practices, Legal Aid SA has continuously benchmarked its human resources policies and practices against the Top Employer and Innocentrix standards.

The entity implemented a two teams approach during the beginning of the COVID-19 pandemic, however in late 2021 there were declining infection numbers. Employees were requested to move back to 80% operations, and as a result, the reintegration of employees to the workplace was implemented through the EWP team and will be continued.

During the 2021-2022 financial year, training targets were achieved under difficult circumstances. Stable and sound relations existed between Legal Aid SA as an employer and organised labour through structured collective engagement. It was noticed that there was a gradual improvement to the appointment of African Females to leadership positions which augurs well for the Employment Equity Plan 2020-2025. In addition, the Succession Planning Strategy was approved by the Board and is in operation.

The organisation strengthened the EVP by maintaining the Performance Incentive Bonus percentage, Group Life was enhanced with additional benefits and undergraduate bursaries were increased by 50%. An inclusive flexible work arrangement policy and practice for most qualifying employees coupled with the provision of work tools and a cell phone and communication related allowance made both remote and working from the office efficient and effective, thus optimising and embracing technology to meet changing business and work requirements.

6.1. CHALLENGES AND FUTURE GOALS

Budget cuts/constraints because of the economic situation in the country were exacerbated by the advent of the COVID-19 pandemic. At times, impersonal work interactions due to work from home/remote infrastructural and technological limitations impeded optimal work performance management, supervision and control. The change in the behaviour of the COVID-19 pandemic resulting in constant adjustments to the operations during the various alert levels of the national lockdown impacted negatively on service delivery predictability.

The recruitment of persons with disability remains a challenge at 1.6% of a target of 2%. More effort was expended in collaborating with specialised persons with disability recruitment agencies and the development of databases where specific advertisements are sent out to attract candidates in this category.

In forecasting the year ahead, a key priority focus area for Legal Aid SA will be to implement and create a work environment that promotes learning and ethical behaviour. The entity will foster an agile environment where employees will be imparted with skills to adapt to the Volatile, Uncertain, Complex and Ambiguous (VUCA) environment.

These goals will be attained as part of ongoing programmes by prioritising recruitment of human capital as per staffing and equity plans and within available resources; repositioning of the EVP within available resources; repositioning and strengthening of organisational culture; employee engagement to promote sound employee relations; retention of skills; managing performance in a virtual world of work and developing competencies to embrace the Fourth Industrial Revolution.

Leadership strategy will be developed and integrated with the Succession Planning Programme. Additionally, leadership will have to be supported through training and development to manage and lead the transformation agenda whilst maintaining a humanistic work environment. The main pillars of execution going forward will be the persistent execution of programmes, tireless empowerment of Managers and a highly efficient, relevant and contemporary Human Resources Function.

Culture Statement

“Proudly Legal Aid SA... champion of legal rights, serving our clients with compassion, integrity and confidence. Your Voice. For Justice.”

Leadership Statement

“Mentor Leaders that have genuine concern for people development and success, leading with integrity, empathy and excellence.”

7. HUMAN RESOURCES OVERSIGHT STATISTICS

Table 24: Personnel Cost by Business Unit

Directorate/Business Unit	Total Expenditure for the Entity (R'000)	Personnel Expenditure (R'000)	Personnel Exp. as a % of Total Exp. (R'000)	No. of Employees	Average Personnel Cost per Employee (R'000)
Legal Aid SA National Office	**R391,841,667**	**R147,670,714**	**100**	**220**	**R5,753,100**
Office of the CEO (includes COO & BS)	R12,201,464	R11,803,154	7.99	16	R737,697
Communication	R9,474,853	R6,634,068	4.49	8	R829,258
Finance (includes PPU & Creditors)	R83,826,383	R35,331,400	23.93	64	R552,053
Human Resources	R84,963,902	R11,738,810	7.95	19	R617,832
Internal Audit	R21,778,609	R22,079,370	14.95	28	R788,549
Information Systems	R71,631,640	R24,518,542	16.60	32	R766,204
Legal Development Services	R26,600,282	R20,311,142	13.75	36	R564,198
National Operations	R81,364,534	R15,254,228	10.33	17	R897,308
Eastern Cape Province	**R264,499,634**	**R246,623,397**	**100**	**492**	**R6,037,205**
Legal Aid SA Aliwal North LO	R11,847,733	R10,392,275	4.21	16	R649,517
Legal Aid SA Butterworth LO	R14,657,229	R13,433,967	5.45	38	R353,525
Legal Aid SA East London LO	R21,816,008	R20,358,956	8.26	46	R442,586
Legal Aid SA Eastern Cape Provincial Office	R10,190,550	R8,362,637	3.39	8	R1,045,330
Legal Aid SA Graaff-Reinet LO	R13,268,464	R12,580,900	5.10	23	R546,996
Legal Aid SA Grahamstown LO	R22,534,595	R21,011,694	8.52	42	R500,278
Legal Aid SA King Williams Town LO	R25,996,379	R23,950,355	9.71	47	R509,582
Legal Aid SA Mthatha LO	R49,653,958	R46,221,327	18.74	101	R457,637
Legal Aid SA Port Elizabeth LO	R55,616,020	R54,797,943	22.22	98	R559,163
Legal Aid SA Queenstown LO	R24,081,742	R22,402,933	9.08	46	R487,020
Legal Aid SA Uitenhage LO	R14,836,956	R13,110,411	5.32	27	R485,571
Free State/North West Province	**R220,597,035**	**R203,174,247**	**100**	**417**	**R6,589,585**
Legal Aid SA Bethlehem LO	R17,668,244	R16,003,577	7.88	30	R533,453
Legal Aid SA Bloemfontein LO	R38,471,412	R34,445,461	16.95	66	R521,901
Legal Aid SA Botshabelo LO	R13,018,824	R11,564,150	5.69	26	R444,775
Legal Aid SA Free State/North West Provincial Office	R10,370,643	R7,880,571	3.88	9	R875,619
Legal Aid SA Klerksdorp LO	R19,647,994	R18,747,859	9.23	32	R585,871
Legal Aid SA Kroonstad LO	R11,388,870	R10,494,743	5.17	21	R499,750
Legal Aid SA Lichtenburg LO	R10,344,321	R9,791,844	4.82	21	R466,278
Legal Aid SA Mafikeng LO	R20,554,732	R18,188,937	8.95	37	R491,593
Legal Aid SA Phuthaditjhaba LO	R12,419,871	R11,708,904	5.76	31	R377,707
Legal Aid SA Potchefstroom LO	R18,820,655	R18,370,163	9.04	35	R524,862
Legal Aid SA Rustenburg LO	R16,607,278	R15,751,059	7.75	34	R463,266
Legal Aid SA Vryburg LO	R8,210,706	R7,613,163	3.75	19	R400,693
Legal Aid SA Welkom LO	R23,073,485	R22,613,817	11.13	56	R403,818

Table 24: Personnel Cost by Business Unit (continued)

Directorate/Business Unit	Total Expenditure for the Entity (R'000)	Personnel Expenditure (R'000)	Personnel Exp. as a % of Total Exp. (R'000)	No. of Employees	Average Personnel Cost per Employee (R'000)
Gauteng Province	**R317,841,063**	**R302,242,199**	**100**	**634**	**R5,996,814**
Legal Aid SA Alexandra LO	R16,446,785	R15,934,014	5.27	38	R419,316
Legal Aid SA Benoni LO	R30,091,918	R29,677,511	9.82	69	R430,109
Legal Aid SA Ga-Rankuwa LO	R20,937,627	R20,119,461	6.66	45	R447,099
Legal Aid SA Gauteng Provincial Office	R12,880,916	R8,316,172	2.75	9	R924,019
Legal Aid SA Germiston LO	R17,947,524	R17,842,906	5.90	54	R330,424
Legal Aid SA Johannesburg LO	R57,004,920	R54,774,029	18.12	108	R507,167
Legal Aid SA Krugersdorp LO	R21,867,338	R22,326,965	7.39	53	R421,263
Legal Aid SA Pretoria LO	R50,706,598	R46,951,041	15.53	77	R609,754
Legal Aid SA Soshanguve LO	R15,192,426	R14,637,462	4.84	30	R487,915
Legal Aid SA Soweto LO	R32,408,365	R31,302,604	10.36	68	R460,332
Legal Aid SA Tembisa LO	R16,589,627	R15,324,230	5.07	35	R437,835
Legal Aid SA Vereeniging LO	R25,767,019	R25,035,803	8.28	48	R521,579
KwaZulu-Natal Province	**R269,666,063**	**R252,034,518**	**100**	**573**	**R5,189,903**
Legal Aid SA Durban LO	R49,299,062	R47,029,439	18.66	98	R479,892
Legal Aid SA Empangeni LO	R25,857,462	R24,555,032	9.74	66	R372,046
Legal Aid SA KwaZulu-Natal Provincial Office	R10,153,616	R8,328,744	3.30	9	R925,416
Legal Aid SA Ladysmith LO	R12,682,399	R12,004,098	4.76	30	R400,137
Legal Aid SA Newcastle LO	R17,996,221	R16,926,083	6.72	39	R434,002
Legal Aid SA Pietermaritzburg LO	R44,387,236	R40,651,546	16.13	92	R441,865
Legal Aid SA Pinetown LO	R18,198,007	R17,348,554	6.88	43	R403,455
Legal Aid SA Port Shepstone LO	R22,950,035	R21,606,075	8.57	50	R432,121
Legal Aid SA Umlazi LO	R22,470,696	R21,281,073	8.44	43	R494,909
Legal Aid SA Verulam LO	R28,444,876	R27,325,387	10.84	62	R440,732
Legal Aid SA Vryheid LO	R17,226,453	R14,978,487	5.94	41	R365,329
Limpopo/Mpumalanga Province	**R207,328,972**	**R192,050,966**	**100**	**400**	**R5,130,031**
Legal Aid SA Ermelo LO	R16,132,926	R14,759,755	7.69	32	R461,242
Legal Aid SA Limpopo/Mpumalanga Provincial Office	R16,300,281	R8,198,795	4.27	9	R910,977
Legal Aid SA Makhado LO	R14,840,906	R13,797,688	7.18	31	R445,087
Legal Aid SA Middelburg LO	R17,473,791	R17,024,892	8.86	41	R415,241
Legal Aid SA Modimolle LO	R11,490,528	R10,493,778	5.46	22	R476,990
Legal Aid SA Nelspruit LO	R33,103,852	R32,776,313	17.07	73	R448,991
Legal Aid SA Polokwane LO	R36,927,380	R36,064,676	18.78	69	R522,676
Legal Aid SA Thohoyandou LO	R17,107,496	R16,955,507	8.83	35	R484,443
Legal Aid SA Tzaneen LO	R22,554,342	R21,554,159	11.22	40	R538,854
Legal Aid SA Witbank LO	R21,397,470	R20,425,403	10.64	48	R425,529

Table 24: Personnel Cost by Business Unit (continued)

Directorate/Business Unit	Total Expenditure for the Entity (R'000)	Personnel Expenditure (R'000)	Personnel Exp. as a % of Total Exp. (R'000)	No. of Employees	Average Personnel Cost per Employee (R'000)
Northern Cape/Western Cape Province	**R302,002,438**	**R275,904,347**	**100**	**556**	**R6,784,651**
Legal Aid SA Athlone LO	R44,121,193	R42,166,435	15.28	90	R468,516
Legal Aid SA Bellville LO	R25,615,429	R24,906,917	9.03	59	R422,151
Legal Aid SA Caledon LO	R13,700,600	R12,712,348	4.61	24	R529,681
Legal Aid SA Cape Town LO	R40,876,244	R37,611,225	13.63	69	R545,090
Legal Aid SA Colesberg LO	R13,778,662	R12,206,486	4.42	21	R581,261
Legal Aid SA George LO	R34,835,856	R32,369,512	11.73	48	R674,365
Legal Aid SA Kimberley LO	R31,789,205	R29,675,849	10.76	61	R486,489
Legal Aid SA Malmesbury LO	R13,318,272	R11,910,668	4.32	30	R397,022
Legal Aid SA Northern Cape/Western Cape Provincial Office	R11,271,961	R7,757,522	2.81	9	R861,947
Legal Aid SA Stellenbosch LO	R27,899,709	R24,850,149	9.01	58	R428,451
Legal Aid SA Upington LO	R17,761,077	R14,713,531	5.33	37	R397,663
Legal Aid SA Vredendal LO	R11,441,917	R10,123,893	3.67	23	R440,169
Legal Aid SA Worcester LO	R15,592,313	R14,899,811	5.40	27	R551,845
	R1,973,776,872	**R1,619,700,387**		**3,292**	**R492,011**

Table 25: Personnel Cost by Salary Band

Level	Personnel Expenditure (R'000)	% of Personnel Exp. to Total Personnel Cost (R'000)	No. of Employees	Average Personnel Cost per Employee (R'000)
Top Management	R27,721,357	1.71%	18	R1,540,075
Senior Management	R135,575,026	8.37%	101	R1,342,327
Professional Qualified	R1,055,149,478	65.14%	1,567	R673,356
Skilled	R309,882,732	19.13%	1,284	R241,342
Semi-skilled	R91,371,794	5.64%	322	R283,763
Total	**R1,619,700,387**	**100.00%**	**3,292**	**R492,011**

Table 26: Performance Rewards

Salary Band	Performance Rewards	Personnel Expenditure (R'000)	% of Performance Rewards to Total Personnel Cost (R'000)
Top Management	R2,143,029	R27,721,357	0.13
Senior Management	R6,508,188	R135,575,026	0.40
Professional Qualified	R33,104,111	R1,055,149,478	2.04
Skilled	R4,160,065	R309,882,732	0.26
Semi-skilled	R4,956,897	R91,371,794	0.31
Total	**R50,872,290**	**R1,619,700,387**	**3.14**

Table 27: Training Costs

Directorate/Business Unit	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Training Expenditure as a % of Personnel Cost	No. of Employees Trained	Avg. Training Cost per Employee
Legal Aid SA National Office	**R147,670,714**	**R868,036.00**	**6.59%**	**225**	
Office of the CEO (includes COO & BS)	R11,803,154	R672.00	0.01%	6	R112.00
Communication	R6,634,068	R228.00	0.00%	7	R32.57
Finance (includes PPU & Creditors)	R35,331,400	R16,100.00	0.05%	58	R277.59
Human Resources	R11,738,810	R518,716.00	4.42%	60	R8,645.26*
Internal Audit	R22,079,370	R14,832.00	0.07%	24	R618.00
Information Systems	R24,518,542	R5,988.00	0.02%	29	R206.48
Legal Development Services	R20,311,142	R12,000.00	0.06%	27	R444.44
National Operations	R15,254,228	R299,500.00	1.96%	14	R21,392.86
Eastern Cape Province	**R246,623,397**	**R82,978.00**	**0.33%**	**347**	
Legal Aid SA Aliwal North LO	R10,392,275	R5,300.00	0.05%	14	R378.57
Legal Aid SA Butterworth LO	R13,433,967	R3,228.00	0.02%	23	R140.35
Legal Aid SA East London LO	R20,358,956	R3,900.00	0.02%	32	R121.88
Legal Aid SA Eastern Cape Provincial Office	R8,362,637	R0.00	0.00%	8	R0.00
Legal Aid SA Graaff-Reinet LO	R12,580,900	R0,00	0.00%	18	R0.00
Legal Aid SA Grahamstown LO	R21,011,694	R1,364.00	0.01%	32	R42.63
Legal Aid SA King Williams Town LO	R23,950,355	R4,260.00	0.02%	34	R125.29
Legal Aid SA Mthatha LO	R46,221,327	R15,296.00	0.03%	70	R218.51
Legal Aid SA Port Elizabeth LO	R54,797,943	R26,850.00	0.05%	71	R378.17
Legal Aid SA Queenstown LO	R22,402,933	R13,950.00	0.06%	24	R581.25
Legal Aid SA Uitenhage LO	R13,110,411	R8,830.00	0.07%	21	R420.48
Free State/North West Province	**R203,174,247**	**R127,913.00**	**1.22%**	**299**	
Legal Aid SA Bethlehem LO	R16,003,577	R4,912.00	0.03%	24	R204.67
Legal Aid SA Bloemfontein LO	R34,445,461	R6,210.00	0.02%	46	R135.00
Legal Aid SA Botshabelo LO	R11,564,150	R2,070.00	0.02%	19	R108.95
Legal Aid SA Free State/North West Provincial Office	R7,880,571	R72,240.00	0.92%	8	R9,030.00
Legal Aid SA Klerksdorp LO	R18,747,859	R0.00	0.00%	25	R0.00
Legal Aid SA Kroonstad LO	R10,494,743	R1,035.00	0.01%	15	R69.00
Legal Aid SA Lichtenburg LO	R9,791,844	R0.00	0.00%	14	R0.00
Legal Aid SA Mafikeng LO	R18,188,937	R2,500.00	0.01%	27	R92.59
Legal Aid SA Phuthaditjhaba LO	R11,708,904	R0.00	0.00%	21	R0.00
Legal Aid SA Potchefstroom LO	R18,370,163	R0.00	0.00%	28	R0.00
Legal Aid SA Rustenburg LO	R15,751,059	R23,036.00	0.15%	23	R1,001.57
Legal Aid SA Vryburg LO	R7,613,163	R0.00	0.00%	13	R0.00
Legal Aid SA Welkom LO	R22,613,817	R15,910.00	0.07%	36	R441.94

Table 27: Training Costs (continued)

Directorate/Business Unit	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Training Expenditure as a % of Personnel Cost	No. of Employees Trained	Avg. Training Cost per Employee
Gauteng Province	**R302,242,199**	**R141,596.00**	**0.76%**	**447**	
Legal Aid SA Alexandra LO	R15,934,014	R2,940.00	0.02%	26	R113.08
Legal Aid SA Benoni LO	R29,677,511	R5,832.00	0.02%	45	R129.60
Legal Aid SA Ga-Rankuwa LO	R20,119,461	R4,020.00	0.02%	32	R125.63
Legal Aid SA Gauteng Provincial Office	R8,316,172	R31,808.00	0.38%	7	R4,544.00
Legal Aid SA Germiston LO	R17,842,906	R3,408.00	0.02%	32	R106.50
Legal Aid SA Johannesburg LO	R54,774,029	R36,860.00	0.07%	78	R472.56
Legal Aid SA Krugersdorp LO	R22,326,965	R22,000.00	0.10%	37	R594.59
Legal Aid SA Pretoria LO	R46,951,041	R5,712.00	0.01%	61	R93.64
Legal Aid SA Soshanguve LO	R14,637,462	R2,760.00	0.02%	21	R131.43
Legal Aid SA Soweto LO	R31,302,604	R0.00	0.00%	47	R0.00
Legal Aid SA Tembisa LO	R15,324,230	R0.00	0.00%	25	R0.00
Legal Aid SA Vereeniging LO	R25,035,803	R26,256.00	0.10%	36	R729.33
KwaZulu-Natal Province	**R252,034,518**	**R171,727.00**	**1.09%**	**378**	
Legal Aid SA Durban LO	R47,029,439	R7,976.00	0.02%	62	R128.65
Legal Aid SA Empangeni LO	R24,555,032	R28,276.00	0.12%	41	R689.66
Legal Aid SA KwaZulu-Natal Provincial Office	R8,328,744	R32,292.00	0.39%	7	R4,613.14
Legal Aid SA Ladysmith LO	R12,004,098	R9,258.00	0.08%	22	R420.82
Legal Aid SA Newcastle LO	R16,926,083	R3,878.00	0.02%	25	R155.12
Legal Aid SA Pinetown LO	R40,651,546	R4,852.00	0.01%	27	R179.70
Legal Aid SA Pietermaritzburg LO	R17,348,554	R30,350.00	0.17%	60	R505.83
Legal Aid SA Port Shepstone LO	R21,606,075	R12,500.00	0.06%	32	R390.63
Legal Aid SA Umlazi LO	R21,281,073	R6,825.00	0.03%	32	R213.28
Legal Aid SA Verulam LO	R27,325,387	R15,520.00	0.06%	44	R352.73
Legal Aid SA Vryheid LO	R14,978,487	R20,000.00	0.13%	26	R769.23
Limpopo/Mpumalanga Province	**R192,050,966**	**R50,970.00**	**0.30%**	**293**	
Legal Aid SA Ermelo LO	R14,759,755	R6,375.00	0.04%	25	R255.00
Legal Aid SA Limpopo/Mpumalanga Provincial Office	R8,198,795	R10,048.00	0.12%	8	R1,256.00
Legal Aid SA Makhado LO	R13,797,688	R2,772.00	0.02%	22	R126.00
Legal Aid SA Middelburg LO	R17,024,892	R1,259.00	0.01%	28	R44.96
Legal Aid SA Modimolle LO	R10,493,778	R0.00	0.00%	17	R0.00
Legal Aid SA Nelspruit LO	R32,776,313	R3,612.00	0.01%	53	R68.15
Legal Aid SA Polokwane LO	R36,064,676	R14,604.00	0.04%	54	R270.44
Legal Aid SA Thohoyandou LO	R16,955,507	R0.00	0.00%	23	R0.00
Legal Aid SA Tzaneen LO	R21,554,159	R0.00	0.00%	30	R0.00
Legal Aid SA Witbank LO	R20,425,403	R12,300.00	0.06%	33	R372.73

Table 27: Training Costs (continued)

Directorate/Business Unit	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Training Expenditure as a % of Personnel Cost	No. of Employees Trained	Avg. Training Cost per Employee
Northern Cape/Western Cape Province	**R275,904,347**	**R61,125.00**	**0.23%**	**409**	
Legal Aid SA Athlone LO	R42,166,435	R0.00	0.00%	67	R0.00
Legal Aid SA Bellville LO	R24,906,917	R0.00	0.00%	41	R0.00
Legal Aid SA Caledon LO	R12,712,348	R0.00	0.00%	19	R0.00
Legal Aid SA Cape Town LO	R37,611,225	R13,845.00	0.04%	49	R282.55
Legal Aid SA Colesberg LO	R12,206,486	R0.00	0.00%	18	R0.00
Legal Aid SA George LO	R32,369,512	R0.00	0.00%	41	R0.00
Legal Aid SA Kimberley LO	R29,675,849	R23,881.00	0.08%	44	R542.75
Legal Aid SA Malmesbury LO	R11,910,668	R0.00	0.00%	22	R0.00
Legal Aid SA Northern Cape/Western Cape Provincial Office	R7,757,522	R0.00	0.00%	7	R0.00
Legal Aid SA Stellenbosch LO	R24,850,149	R18,249.00	0.07%	41	R445.10
Legal Aid SA Upington LO	R14,713,531	R0.00	0.00%	24	R0.00
Legal Aid SA Vredendal LO	R10,123,893	R0.00	0.00%	16	R0.00
Legal Aid SA Worcester LO	R14,899,811	R5,150.00	0.03%	20	R257.50
	R1,619,700,387	**R1,504.345**	**10.52%**	**2,398**	**R627**

Note: Excluding Board members.

****HR Training Expenditure includes bursaries awarded to employees.***

Table 28: Employment and Vacancies per Category

Programme/activity/objective	Approved Posts	No. of Employees (Filled Permanent Posts)	Vacancies	% of Vacancies	*No. of Employees (Posts Filled Additional to Establishment)
Top Management	16	16	0	0.00%	0
Senior Management	102	100	2	1.96%	0
Professional Qualified	1,444	1,297	147	10.18%	116
Skilled	754	711	43	5.70%	28
Semi-skilled	373	344	29	7.77%	23
Total	**2,689**	**2,468**	**221**	**8.22%**	**167**

****Includes overlapping Candidate Attorneys and Temps.***

Senior Management positions became vacant towards the end of the financial year under review. The recruitment process is currently underway.

A Candidate Attorney at the Legal Aid SA Vryburg Local Office went the extra mile to help his client get bail. The client was charged with housebreaking and theft. The State opposed his release on bail on the basis that he was homeless and had no fixed address. The practitioner was able to obtain the name of a relative of the client, who lives in the Northern Cape. By searching on Facebook, he was able to locate the relative, who in turn provided the contact details of another relative who lived within the court's jurisdiction. He was then able to give the address of the local relative as the address where the client can be found. The State withdrew its opposition to bail, and our client was released on a warning. He was also reunited with his relatives, who had lost contact with him and did not know his whereabouts.

Table 29: Employment Changes

Salary Band	Employment at Beginning of Period	Appointments	Terminations	Employment at End of the Period
Top Management	15	3	2	16
Senior Management	99	5	2	100
Professional Qualified	1,323	97	98	1, 297
Skilled	641	321	289	711
Semi-skilled	348	16	9	344
Total	**2,426**	**442**	**400**	**2,468**

Note: There will be differences at the various levels between opening and closing – this is due to persons moving through the levels internally. Most important is the total, which does balance with zero discrepency.

Table 30: Reasons for Staff Leaving

Reason	Number	% of Total No. of Staff Leaving
Death	12	3.00%
Resignation	107	26.75%
Dismissal	5	1.25%
Retirement	16	4.00%
Ill Health	0	0.00%
Expiry of Contract	260	65.00%
Other	0	0.00%
Total	**400**	**100.00%**

Table 31: Labour Relations: Misconduct and Disciplinary Action

Nature of Disciplinary Action	Number
Verbal Warning	7
Written Warning	7
Final Written Warning	2
Dismissal	5
Total	**21**

Phopho v National Police Commissioner, SAPS & Others

Legal Aid SA Labour Legal Practitioner in the Eastern Cape, Ellen van Staden, successfully challenged the dismissal of our client in a strategic litigation matter. In 2011, our client was a police Captain in the employment of the South African Police Services (SAPS) and was convicted of a criminal offence and sentenced to a term of imprisonment. He noted an appeal against the conviction and sentence. However, before he prosecuted his appeal, the SAPS informed him that as a result of him being convicted and sentenced to direct imprisonment without an option of a fine, he is discharged from service. In 2014, our client's conviction and sentence were set aside. He made an application for reinstatement to his position. This application was made after 55 days due to various reasons, among which that he became aware that his appeal was successful and there is no provision in the SAPS Act which provides for condonation for such. The National Commissioner of the SAPS refused to conduct an enquiry to determine whether to reinstate our client on the basis that he lodged the application after the expiry of 30 days. The client, assisted by Ellen van Staden in Gqeberha, took the decision of the National Commissioner of the SAPS to Labour Court on review and to have it set aside. The Labour Court set aside the decision of the SAPS but remitted the matter to the National Commissioner of the SAPS to conduct an enquiry. The National Commissioner appealed, and the client noted a counter appeal to the Labour Appeal Court. The Labour Appeal Court dismissed an appeal by the SAPS and upheld an appeal by our client. The Labour Appeal Court held that the client be reinstated to the rank he was in and ordered the SAPS to backpay his salary and benefits.

Table 32: Equity Target and Employment Equity Status

Levels	Male							
	African		Coloured		Indian		White	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	9	7	0	1	0	0	1	1
Senior Management	39	43	5	5	5	2	8	5
Professional Qualified	540	607	40	73	26	24	103	69
Skilled	286	318	26	38	6	13	2	36
Semi-skilled	80	159	5	19	3	6	1	36
Unskilled	0	0	0	0	0	0	0	0
Total	**954**	**1,134**	**76**	**136**	**40**	**45**	**115**	**147**

Levels	Female							
	African		Coloured		Indian		White	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	5	6	0	1	0	0	1	1
Senior Management	24	36	3	4	3	1	13	4
Professional Qualified	449	511	110	61	55	13	89	54
Skilled	361	268	40	32	13	7	5	28
Semi-skilled	217	134	38	16	7	3	19	14
Unskilled	0	0	0	0	0	0	0	0
Total	**1,056**	**955**	**191**	**114**	**78**	**24**	**127**	**101**

Levels	Employees with Disability			
	Male		Female	
	Current	Target	Current	Target
Top Management	0	0	0	0
Senior Management	1	1	1	1
Professional Qualified	27	12	9	12
Skilled	0	6	2	7
Semi-skilled	0	2	2	5
Unskilled	0	0	0	0
Total	**28**	**21**	**14**	**25**

Note: A 2% target has been set for disabled persons. The figures exclude Temps.

The organisation is challenged in meeting its targets for African Females at the Top, Senior and Middle Management levels.

This is being addressed through the 2020-2025 Employment Equity Plan.

The Legal Aid SA Soweto Local Office represented a client who was charged with kidnapping, rape and robbery with aggravating circumstances. The complainant was his ex-wife. The accused was referred for mental observation. He was diagnosed with substance use disorder. However, the panel of psychiatrists unanimously concluded that the accused has no mental illness or intellectual disability and is therefore fit to stand trial. During consultations with our practitioner, the client could not give a chronological sequence of events, was forgetful and would deviate from the topic at hand and discuss unrelated issues such as voices telling him to confess to killings that he had apparently committed a long time ago. The client would also act and behave inappropriately in court while the court was in session. This prompted the attorney to call one of the doctors on the original panel to give evidence regarding the initial report. The doctor conceded under cross-examination that a second observation was called for. This was made an order of court.

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PART F
FINANCIAL INFORMATION

95% budget spent

14th clean and 21st unqualified audit opinion

27% decrease in irregular expenditure

99.1% payments to Judicare within 30 days

1. STATEMENT OF RESPONSIBILITY

Refer to page 16 for the Statement of Responsibility.

2. REPORT OF THE CHIEF EXECUTIVE OFFICER

2.1. GENERAL FINANCIAL REVIEW

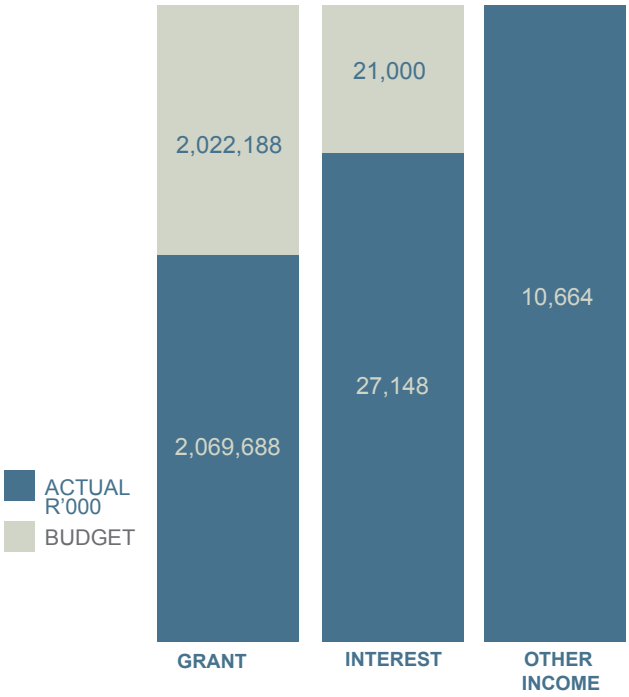
The economic outlook of the country and globally remains uncertain, evidenced by the baseline reductions that have been implemented by the National Treasury to enable funding for industries significantly affected by the pandemic. Legal Aid SA's budget has been reduced by 15% in the MTEF cycle 2021/22-2024/25. Despite this, the entity managed to navigate through these dynamic conditions, displaying resilience and commitment to achieving its service delivery targets. To absorb the reductions, Management continues to mature its financial management processes, internal controls and financial risk management controls to ensure effective cost management and compliance with legislation and procurement regulations.

In the last quarter of the financial year, National Treasury issued a moratorium on procurement due to the Constitutional Court judgment on the invalidity of the Procurement Regulations of 2017 which further constrained the ability to finalise procurement against the approved procurement plan. This necessitated the rollover of outstanding procurement to the new financial year.

The National Treasury approved a retention of surplus funds from the prior financial year, and a portion was used to fund the Land Rights Management Facility that transferred from the Department of Agriculture, Land Reform and Rural Development (DALRRD) in the last quarter of the financial year. The retained surplus allowed for the interim establishment of the function and the taking over of matters. The funding for quarter four was received from the DALRRD in April 2022. The function is established within Legal Aid SA and the budget allocation will be received after the Medium Term Budget Policy Statement (January 2023).

2.2. REVENUE COLLECTION

The grant collected was more than the allocation, due to funds received for the Land Rights Management Unit from DALRRD of R33 million, Specialised Commercial Crimes Court (SCCC) of R11 million and the Integrated Justice System for the development of the eLAA system of R3,5 million. The interest income received was higher than budget by 29% due to a higher balance in the bank at each reporting period.



2.3. EXPENDITURE: TRENDS AND CHALLENGES

The entity has managed to spend and commit 95% of the budget which is below the targeted expenditure trend of 98%. The underspending is attributed to Management's conservative spending approach to staffing and contractual obligations longer than the outer year of the MTEF cycle.

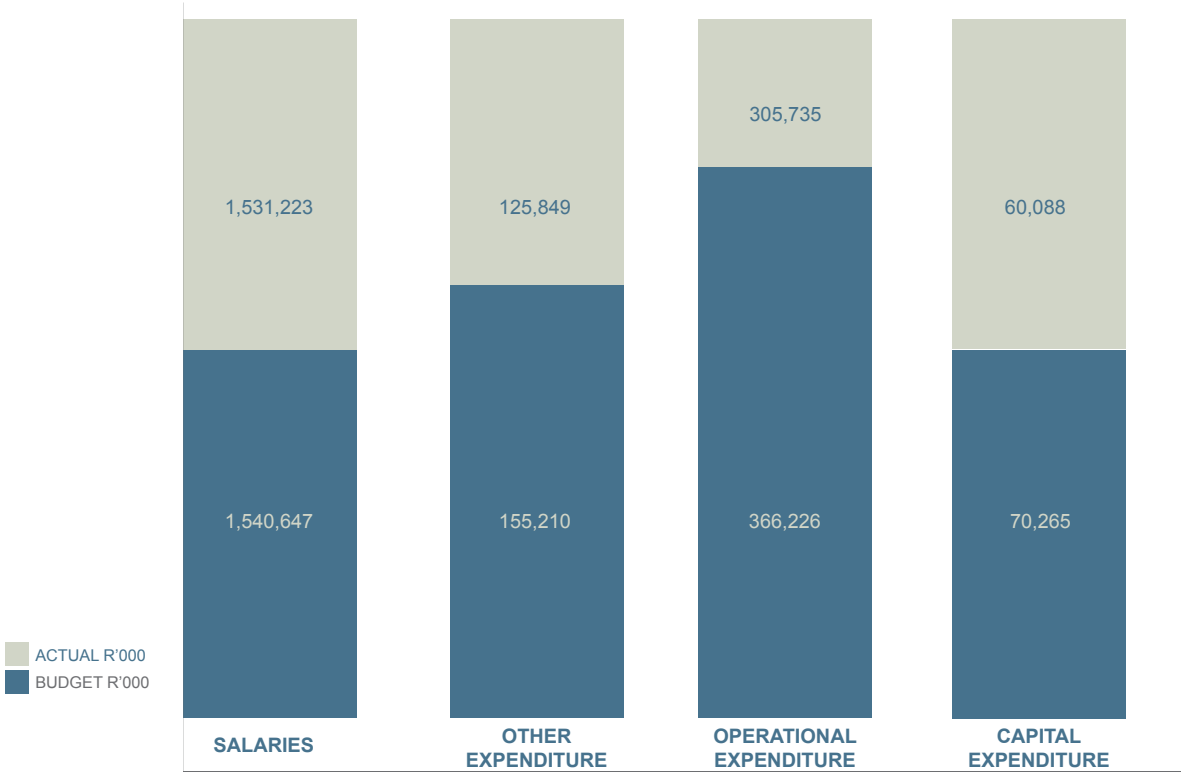
Salary and related costs are the main cost driver accounting for 79% of the allocation. The staff rationalisation initiative contributed towards the increase in surplus funds. The amount of R9,4 million not spent on employment costs links to the vacancies in the approved structure. The operational budget is 12% of the allocation and is expended through the procurement of goods or services. The delays in finalising procurement processes and suspension of procurement by the National Treasury resulted in underspending of R60,5 million (16.5%) in the operational budget.

The challenge of acquiring office lease accommodation due to non-responsiveness in the procurement process remains and Legal Aid SA has put measures in place, including occupation of offices in courts through the Department of Justice and Constitutional Development and requesting approval to purchase office buildings in terms of section 54(2)(d) of the PFMA. The Executive Authority has approved the application and the organisation will commence with the procurement in the new financial year. The areas where Legal Aid SA is using the court buildings has been disclosed in the related party notes in the financial statements.

The entity follows the Capital Asset Replacement Programme for the management of assets. The capital budget is 2% of the allocation and R10 million of the budget remains unspent at year end because of global supply chain constraints aggravated by the COVID-19 pandemic and the delay in securing service providers for the refurbishment of newly acquired office accommodation.

Intermittent vehicle fuel prices continue to be a challenge as they continue to increase above the inflation rates. There were however some savings as there was limited travelling in the current year due to lockdown restrictions.

Although this prudent budgeting has worked in the past financial years, it is not sustainable in the long-term.



2.4. ROLLOVER OF FUNDS FROM 2021-2022 FINANCIAL YEAR

The rollover of funding of R13,9 million relates to orders placed but not delivered at year end. The bulk of the rollover relates to motor vehicle and computer hardware and software; delivery has been received in the new financial year.

2.5. ECONOMIC VIABILITY

The organisation understands the budget constraints the country is facing. The shedding of jobs due to the COVID-19 pandemic will increase the demand for legal services, with the consequent impact on the fiscus which is the main source of funding for Legal Aid SA. Management remains hopeful that the South African economy will recover, and the entity will continue delivering on its constitutional mandate to ensure access justice for all.

2.6. OUTLOOK/PLAN TO ADDRESS FINANCIAL CHALLENGES

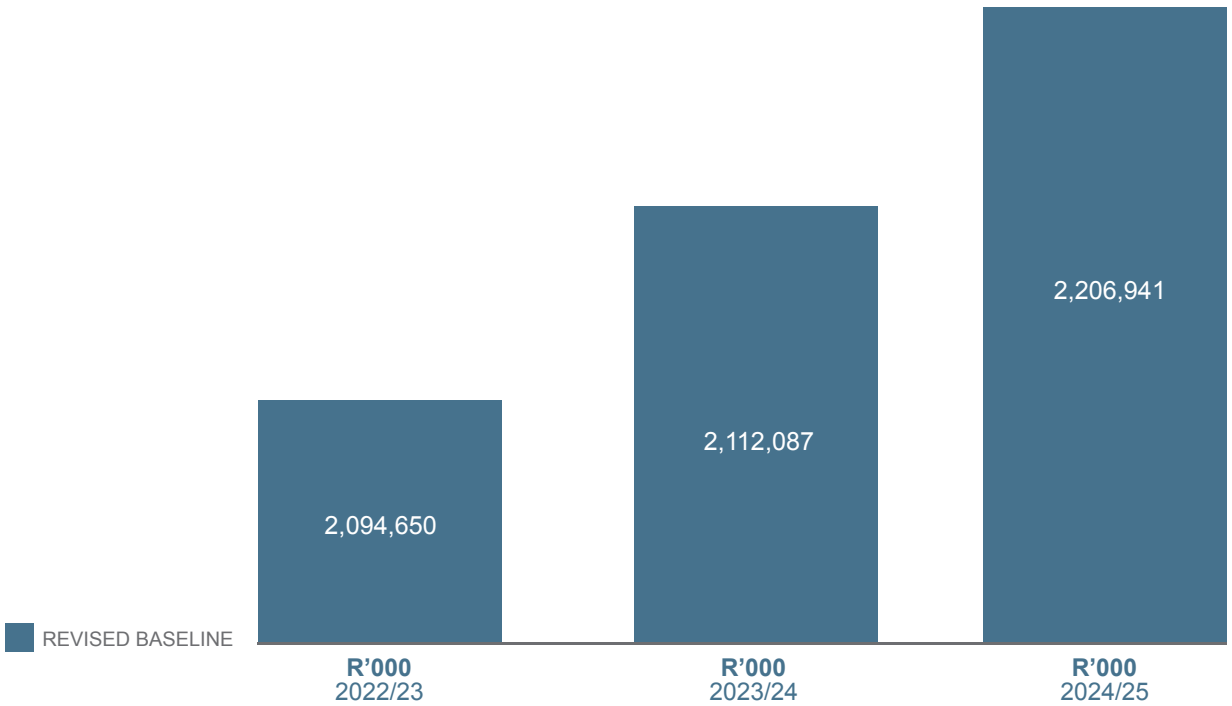
Legal Aid SA received the MTEF allocations for 2022/23-2024/25 during the year under review. The allocations included reductions effected over the MTEF period; the budget has been reduced by 15% over the MTEF.

The organisation is expected to reduce compensation to employees by R125 million and goods and services expenditure by R227,6 million over the MTEF period as depicted in the table below.

Table 33: Reductions over the MTEF Period

Description	2022/23 R'000	2023/24 R'000	2024/25 R'000	Total R'000
Compensation of employees	125,076	-	-	125,076
Goods and services	105,759	121,808	-	227,567
	230,835	**121,808**	**-**	**352,643**

The revised baseline after the budget reduction is expected to increase by 5.36% over the MTEF. This is despite the reductions which are only for the 2022/23 and 2023/24 financial years.



Legal Aid SA will continue to implement prudent and cost-effective measures in striving to achieve its strategies and deliver legal services as well as address the challenge of increasing demands for legal aid services in the context of limited funding.

2.7. GOING CONCERN

The Board is of the view that Legal Aid SA will continue to be in operational existence during the 12 months ahead, and therefore the preparation and presentation of the Annual Financial Statements on a going concern basis is considered appropriate.

*Legal Aid SA funded the matter of **Wilkinson & Another v Crawford NO & Others reported 2021 (4) SA 323 (CC)** (judgment delivered on 16 April 2021). This strategic litigation matter developed the law in a deed of trust to include adopted children when providing the interpretation of the Trust Deed. The matter was concerned with the proper interpretation of the words "children", "descendants", "issue" and "legal descendants" and whether a court can interpret a private Trust Deed in a manner that is contrary to public policy and that has the effect of discriminating against adopted children in contravention of section 9 of the Constitution.*

The facts of this case are as follows: In 1953, at about 28 January, Mr D executed a notarial deed of trust (Trust Deed) wherein clauses 4, 5 and 6 are of relevance in this matter. In clause 4, he (Mr D) identified his children as income beneficiaries of the Trust and upon their death, their respective shares would devolve amongst their children, per stirpes. Clause 5 regulated the duration of the Trust in that it would have to remain in force until a year after Mr D's death if the trust capital had not been applied for the benefit of the beneficiaries. Clause 6 regulated the termination of the Trust Deed, in that the trust capital or balance thereof would be divided equally amongst Mr D's children. If Mr D died before the expiry of the Trust period, it would devolve upon their 'legal descendants'. About five months later from the date when the notarial deed of trust was executed, Mr D executed a will where he amended clause 5, providing that if Mr D's children died before the termination of the Trust, his or her share would devolve upon his/her 'descendants' per stirpes.

In his lifetime, Mr D had four children, three of them had children of their own and one struggled to carry a baby and considered adoption. She even told her father about her consideration to adopt a child/children, but her father told her not to do so in haste as she did not know what the future holds for her. Unfortunately, Mr D died in the same year he executed a notarial deed of trust. After his death, his daughter who struggled to carry a baby decided to adopt two children, Mr D.L.W and Ms A.B.T. After having done so, Mr D's daughter was concerned about the possibility of the adopted children being excluded from inheriting. She decided to approach the High Court seeking a declarator that the impugned clauses in the Trust Deed include her adopted children, alternatively, the Trust Deed be amended in terms of section 13 of the Trust Property Control Act to apply to her adopted children.

The High Court ruled against Mr D's daughter. Amongst the reasons were that if Mr D's intention was to include adopted children in the Trust Deed as he was assisted by lawyers when drafting same, he would have been advised to explicitly do so. The application was dismissed. She appealed to the Supreme Court of Appeal. Unfortunately, she passed on before the Supreme Court of Appeal could deliver a judgment on the matter, and so, her executor pursued the matter. The Supreme Court of Appeal gave a split judgment, with the majority dismissing the appeal and the minority upholding the appeal.

The adopted grandchildren of Mr D took the matter to the Constitutional Court. Legal Aid SA funded this matter at the Constitutional Court. Unfortunately, one adopted child, Mr D.L.W, passed on whilst the matter was pending at the Constitutional Court and was substituted by his executor. The majority judgment at the Constitutional Court held that the matter raised constitutional issues and granted leave to appeal. The majority held that a clear intention to include the applicant's adopted children has not been exhibited by Mr D as required by the 1937 Children's Act, in that the Act requires the testator to clearly convey his intention to include adopted children for them to benefit under the testamentary instrument.

Regarding the interpretation of the words "legal descendants", the majority held that reading "legal descendants" to be inclusive of adopted children, as required by the proviso, would not accord with the meaning intended by Mr D, in that section 71(2) of the Act requires the testator to do something more for the adopted children to be included. However, the majority judgment considered whether the exclusion constituted unfair discrimination against the adopted children. After having considered the relevant provisions of the Constitution and case law, the majority answered the question in the affirmative and held that the unfair discrimination against adopted children is contrary to public policy and therefore the exclusion is unenforceable. The order of the majority Supreme Court of Appeal was set aside, and the appeal was upheld.

3. Report of the auditor-general to Parliament on Legal Aid South Africa

Report on the audit of the financial statements

Opinion

1. I have audited the financial statements of Legal Aid South Africa set out on pages 159 to 206, which comprise the statement of financial position as at 31 March 2022, statement of financial performance, statement of changes in net assets, cash flow statement and statement of comparison of budget and actual amounts for the year then ended, as well as notes to the financial statements, including a summary of significant accounting policies.

2. In my opinion, the financial statements present fairly, in all material respects, the financial position of Legal Aid South Africa as at 31 March 2022, and its financial performance and cash flows for the year then ended in accordance with the Standards of Generally Recognised Accounting Practice (Standards of GRAP) and the requirements of the Public Finance Management Act 1 of 1999 (PFMA).

Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the auditor-general's responsibilities for the audit of the financial statements section of my report.

4. I am independent of the public entity in accordance with the International Ethics Standards Board for Accountants' *International code of ethics for professional accountants (including International Independence Standards)* (IESBA code) as well as other ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA code.

5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibilities of the accounting authority for the financial statements

6. The accounting authority is responsible for the preparation and fair presentation of the financial statements in accordance with the Standards of GRAP and the requirements of the PFMA, and for such internal control as the accounting authority determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

7. In preparing the financial statements, the accounting authority is responsible for assessing the public entity's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the public entity or to cease operations, or has no realistic alternative but to do so.

Auditor-general's responsibilities for the audit of the financial statements

8. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

9. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

Report on the audit of the annual performance report

Introduction and scope

10. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, I have a responsibility to report on the usefulness and reliability of the reported performance information against predetermined objectives for the selected objective presented in the annual performance report. I performed procedures to identify material findings but not to gather evidence to express assurance.

11. My procedures address the usefulness and reliability of the reported performance information, which must be based on the public entity's approved performance planning documents. I have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. My procedures do not examine whether the actions taken by the public entity enabled service delivery. My procedures do not extend to any disclosures or assertions relating to the extent of achievements in the current year or planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.

12. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected objective presented in the public entity's annual performance report for the year ended 31 March 2022:

Objective	Pages in the annual performance report
Objective 1 – Empowered clients and communities making informed choices about their legal matters, rights and responsibilities.	51-52

13. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.

14. I did not identify any material findings on the usefulness and reliability of the reported performance information for this objective:

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

Other matter

15. I draw attention to the matters below.

Achievement of planned targets

16. Refer to the annual performance report on pages 51 to 52 for information on the achievement of planned targets for the year and management's explanations provided for the over and under achievement of targets.

Adjustment of material misstatements

17. I identified material misstatements in the annual performance report submitted for auditing. These material misstatements were in the reported performance information of Objective 1 – Empowered clients and communities making informed choices about their legal matters, rights and responsibilities. As management subsequently corrected the misstatements, I did not raise any material findings on the usefulness and reliability of the reported performance information.

Report on the audit of compliance with legislation

Introduction and scope

18. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the public entity's compliance with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.

19. I did not identify any material findings on compliance with the specific matters in key legislation set out in the general notice issued in terms of the PAA.

Other information

20. The accounting authority is responsible for the other information. The other information comprises the information included in the annual report.

21. The other information does not include the financial statements, the auditor's report and the selected objective presented in the annual performance report that have been specifically reported in this auditor's report.

22. My opinion on the financial statements and findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion on it.

23. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected objective presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

24. If, based on the work I have performed, I conclude that there is a material misstatement in this other information, I am required to report that fact. I have nothing to report in this regard.

Internal control deficiencies

25. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance on it. I did not identify any significant deficiencies in internal control.

Other reports

26. I draw attention to the following engagement conducted by the Public Protector South Africa (PPSA) which had, or could have, an impact on the matters reported in the public entity's financial statements, reported performance information, compliance with applicable legislation and other related matters. This report did not form part of my opinion on the financial statements or my findings on the reported performance information or compliance with legislation.

27. The PPSA performed an investigation into allegations of tender irregularities at Legal Aid South Africa at the request of an anonymous complainant, which covered the 2013-14 financial year. The investigation was concluded in July 2019 and the Public Protector found that Legal Aid South Africa failed to adhere to the constitutional demands of procedural fairness, transparency, lawfulness and reasonableness as envisaged in terms of sections 217 and section 33 of the Constitution when dealing with the appointment of a service provider.

28. Legal Aid South Africa challenged the report of the Public Protector. The application was heard on the unopposed roll on 31 March 2022 and granted that the Public Protector's Report was reviewed and set aside.

Auditor - General

Pretoria
31 July 2022

AUDITOR-GENERAL
SOUTH AFRICA

Auditing to build public confidence

Annexure – Auditor-general's responsibility for the audit

1. As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements and the procedures performed on reported performance information for selected objective and on the public entity's compliance with respect to the selected subject matters.

Financial statements

2. In addition to my responsibility for the audit of the financial statements as described in this auditor's report, I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the public entity's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the accounting authority
- conclude on the appropriateness of the accounting authority's use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of Legal Aid South Africa to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify my opinion on the financial statements. My conclusions are based on the information available to me at the date of this auditor's report. However, future events or conditions may cause a public entity to cease operating as a going concern
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation

Communication with those charged with governance

3. I communicate with the accounting authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.
4. I also provide the accounting authority with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence and, where applicable, actions taken to eliminate threats or safeguards applied.

4. ANNUAL FINANCIAL STATEMENTS

COUNTRY OF INCORPORATION AND DOMICILE	South Africa
LEGAL FORM OF ENTITY	Provide legal services to the indigent
MEMBERS OF ACCOUNTING AUTHORITY	**Non-executive Members** Judge M Makume – Chairperson Mr MNF Mvundlela Mr M Leseilane Prof. W Gumede Dr C Sanangura Adv. M Odayan Ms M Makgoba Mr L Mtshali Mr F Pandelani Dr M Tong – Appointed 26 April 2021 **Executive Members** Ms M Kola Mr S Mamotheti Mr P Hundermark Adv. B Nair – Term ended 31 January 2022
REGISTERED OFFICE	29 De Beer Street Braamfontein Johannesburg 2000
BUSINESS ADDRESS	29 De Beer Street Braamfontein Johannesburg 2000
POSTAL ADDRESS	Private Bag X76 Braamfontein 2017
BANKERS	First National Bank South African Reserve Bank
AUDITORS	Auditor-General of South Africa

The reports and statements set out below comprise the Annual Financial Statements presented to the National Legislature:

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Statement of Changes in Net Assets 160

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BOARD RESPONSIBILITY AND APPROVAL

The members are required by the Public Finance Management Act (Act 1 of 1999) to maintain adequate accounting records and are responsible for the content and integrity of the Annual Financial Statements and related financial information included in this report. It is the responsibility of the members to ensure that the Annual Financial Statements fairly present the state of affairs of the entity as at the end of the financial year and the results of its operations and cash flows for the period then ended. The external auditors are engaged to express an independent opinion on the Annual Financial Statements and were given unrestricted access to all financial records and related data.

The Annual Financial Statements have been prepared in accordance with Standards of Generally Recognised Accounting Practice (GRAP) including any interpretations, guidelines and directives issued by the Accounting Standards Board.

The Annual Financial Statements are based upon appropriate accounting policies consistently applied and supported by reasonable and prudent judgments and estimates.

The external auditors are responsible for independently reviewing and reporting on the entity's Annual Financial Statements. The Annual Financial Statements have been examined by the entity's external auditors and their report is presented on page 152.

The Annual Financial Statements set out on pages 156-206, which have been prepared on the going concern basis, were approved by the Board on 30 July 2022 and were signed on its behalf by:

Ms Mantiti Kola
Chief Executive Officer
Legal Aid South Africa

Judge Motsamai Makume
Chairperson
Legal Aid South Africa

REPORT OF THE ACCOUNTING AUTHORITY

The members of the accounting authority present their report for the financial year ended 31 March 2022.

1. INCORPORATION

Legal Aid SA was established on 26 March 1969 in terms of the Legal Aid Act (No. 22 of 1969). The Act was replaced by the new Legal Aid SA Act (No. 39 of 2014) which came into effect on 1 March 2015.

2. REVIEW OF ACTIVITIES

Main business and operations

Legal Aid SA's results are clearly reflected in the attached Annual Financial Statements. No material fact or circumstance has occurred between the accounting date and the date of this report. The entity carries on the business of providing legal services to indigent residents of South Africa utilising State funding. There was no major change in the nature of the business.

3. FINANCIAL RESULTS

The financial statements are prepared in accordance with the Standard of Generally Recognised Accounting Practice (GRAP), as set out in the Accounting Policy. The financial statements fairly present the state of affairs of Legal Aid SA at 31 March 2022, the results of its operations and cash flow information for the quarter then ended. The results of the organisation and the state of its affairs are set out in the attached Annual Financial Statements and do not, in our opinion, require further comments. The financial position of the organisation, which is set out in the Statement of Financial Position, shows it has no borrowings.

4. GOING CONCERN

We draw attention to the fact that at 31 March 2022, Legal Aid SA had an accumulated surplus of R701,608,276 and that the entity's assets exceed its total liabilities by R701,608,276.

The Accounting Authority reviewed Legal Aid SA's budgets and cash flow forecasts for the period under review. On the basis of this review, and in view of the organisation's current sound financial position, the Accounting Authority assesses the organisation's going concern in the year ahead. The Accounting Authority also considered the responsibility of the Minister of Justice and Correctional Services to fund the operations of the organisation as envisaged by the Legal Aid SA Act. Accordingly, the Annual Financial Statements are prepared on a going concern basis based on the Accounting Authority's assessment.

5. SUBSEQUENT EVENTS

The members of the Accounting Authority are not aware of any matter or circumstance arising since the end of the financial year.

6. PROPERTY, PLANT AND EQUIPMENT AND INTANGIBLE ASSETS

There were no major changes in the nature of property, plant and equipment and intangible assets or in the policy regarding their usage during the year. Details are contained in notes 3,4 and 5 of the financial statements.

STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2022

	Note(s)	2022 R	2021 R
ASSETS			
Non-current assets			
Property, plant and equipment	3	213,281,248	195,132,927
Intangible assets	4	22,131,437	19,426,800
Leased assets	5	132,360	427,031
		235,545,045	**214,986,758**
Current assets			
Cash and cash equivalents	6	703,088,371	573,970,277
Receivables from exchange transactions	7	36,233,096	5,608,613
Deposits	8	1,736,548	1,708,705
Client trust funds	9	55,827,063	56,726,471
		796,885,078	**638,014,066**
Total assets		**1,032,430,123**	**853,000,824**
LIABILITIES			
Non-current liabilities			
Employee benefit obligation	10	945,308	1,396,015
Finance lease obligation	13	-	76,145
		945,308	**1,472,160**
Current liabilities			
Payables from exchange transactions	11	114,083,161	121,758,303
Provisions	12	159,886,259	107,944,500
Finance lease obligation	13	80,056	328,301
Client trust fund	14	55,827,063	56,726,471
		329,876,539	**286,757,575**
Total liabilities		**330,821,847**	**288,229,735**
Net assets		**701,608,276**	**564,771,089**
Accumulated surplus		701,608,276	564,771,089
Total net assets		**701,608,276**	**564,771,089**

STATEMENT OF FINANCIAL PERFORMANCE

	Note(s)	2022 R	2021 R
Revenue			
Revenue from exchange transactions			
Interest received - investment	15	27,148,001	24,005,694
Other income	16	8,674,421	8,993,429
Total revenue from exchange transactions		**35,822,422**	**32,999,123**
Revenue from non-exchange transactions			
Transfer revenue			
Government grants and subsidies	18	2,066,188,000	1,958,883,000
Service in-kind - office rental	18	1,145,580	1,117,740
Total revenue from non-exchange transactions		**2,067,333,580**	**1,960,000,740**
Total revenue	**19**	**2,103,156,002**	**1,992,999,863**
Expenditure			
Employee related costs	20	(1,654,295,880)	(1,514,523,247)
Depreciation and amortisation	21	(24,413,300)	(33,877,144)
Finance costs	23	(142,025)	(601,130)
Administrative	24	(101,056,142)	(81,401,261)
Operating expenses	25	(187,834,772)	(186,673,778)
Total expenditure		**(1,967,742,119)**	**(1,817,076,560)**
Operating surplus		**135,413,883**	**175,923,303**
Gain on disposal of assets	17	1,755,240	441,013
Debt impairment	22	(331,936)	(1,458,670)
		1,423,304	**(1,017,657)**
Surplus for the year		**136,837,187**	**174,905,646**

STATEMENT OF CHANGES IN NET ASSETS

	Accumulated surplus R	Total net assets R
Balance at 1 April 1 2020	**389,865,443**	**389,865,443**
Changes in net assets		
Surplus for the year	174,905,646	174,905,646
Total changes	174,905,646	174,905,646
Balance at 1 April 2021	**564,771,089**	**564,771,089**
Changes in net assets		
Surplus for the year	136,837,187	136,837,187
Total changes	136,837,187	136,837,187
Balance at 31 March 31 2022	**701,608,276**	**701,608,276**

CASH FLOW STATEMENT

	Notes	2022 R	2021 R
Cash flows from operating activities			
Receipts			
Grants		2,033,188,000	1,958,883,000
Interest income		27,148,001	24,553,133
Other receipts		8,674,421	8,110,548
		2,069,010,422	**1,991,546,681**
Payments			
Employee costs		(1,601,802,102)	(1,531,934,903)
Suppliers		(294,525,123)	(254,595,902)
Finance costs		(24,366)	(205,940)
		(1,896,351,591)	(1,786,736,745)
Net cash flows from operating activities	26	**172,658,831**	**204,809,936**
Cash flows from investing activities			
Purchase of property, plant and equipment	3	(42,968,088)	(50,808,291)
Proceeds from sale of property, plant and equipment	3	4,746,645	1,683,641
Purchase of leased assets	5	-	(354,488)
Purchase of other intangible assets	4	(4,994,904)	(6,157,937)
Proceeds from sale of other intangible assets	4	-	23,958
		(43,216,347)	**(55,613,117)**
Cash flows from financing activities			
Finance lease payments		(324,390)	(315,821)
Net increase/(decrease) in cash and cash equivalents		**129,118,094**	**148,880,998**
Cash and cash equivalents at the beginning of the year		573,970,277	425,089,279
Cash and cash equivalents at the end of the year	6	**703,088,371**	**573,970,277**

STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS

	Approved Budget R	Adjustments R	Final Budget R	Actuals R	Difference between Final Budget and Actuals R	% Difference
Budget on Cash Basis						
Statement of Financial Performance						
Revenue						
Revenue from exchange transactions						
Other income	-	-	**-**	8,674,421	**8,674,421**	100%
Other income - rollover	-	40,365,214	**40,365,214**	-	**(40,365,214)**	100%
Interest received - investment	21,000,000	-	**21,000,000**	27,148,001	**6,148,001**	29%
Total revenue from exchange transactions	**21,000,000**	**40,365,214**	**61,365,214**	**35,822,422**	**(25,542,792)**	
Revenue from non-exchange transactions						
Transfer revenue						
Government grants and subsidies	2,022,188,000	-	**2,022,188,000**	2,066,188,000	**44,000,000**	2%
Service in-kind - office rental	-	-	**-**	1,145,580	**1,145,580**	
Total revenue from non-exchange transactions	**2,022,188,000**	**-**	**2,022,188,000**	**2,067,333,580**	**45,145,580**	
Total revenue	**2,043,188,000**	**40,365,214**	**2,083,553,214**	**2,103,156,002**	**19,602,788**	
Expenditure						
Employee related cost	(1,673,589,323)	15,674,747	**(1,657,914,576)**	(1,654,295,880)	**3,618,696**	0%
Depreciation and amortisation	(33,793,745)	-	**(33,793,745)**	(24,413,300)	**9,380,445**	28%
Debt impairment	-	-	**-**	(331,936)	**(331,936)**	100%
Finance costs	-	-	**-**	(142,025)	**(142,025)**	100%
Administrative expenses	(109,352,644)	(23,468,259)	**(132,820,903)**	(101,056,142)	**31,764,761**	24%
Operating expenses	216,552,813)	(2,315,231)	**(218,868,044)**	(187,834,772)	**31,033,272**	14%
Total expenditure	**(2,033,288,525)**	**(10,108,743)**	**(2,043,397,268)**	**(1,968,074,055)**	**75,323,213**	
Operating surplus	**9,899,475**	**30,256,471**	**40,155,946**	**135,081,947**	**94,926,001**	
Gain on disposal of assets and liabilities	-	-	**-**	1,755,240	**1,755,240**	100%
Surplus before taxation	**9,899,475**	**30,256,471**	**40,155,946**	**136,837,187**	**96,681,241**	
Actual Amount on Comparable Basis as Presented in the Budget and Actual Comparative Statement	**9,899,475**	**30,256,471**	**40,155,946**	**136,837,187**	**96,681,241**	

For material budget variances, refer to note 38.

ACCOUNTING POLICIES

1. PRESENTATION OF ANNUAL FINANCIAL STATEMENTS

The Annual Financial Statements have been prepared in accordance with the Standards of Generally Recognised Accounting Practice (GRAP), issued by the Accounting Standards Board in accordance with section 91(1) of the Public Finance Management Act (Act 1 of 1999).

These Annual Financial Statements have been prepared on an accrual basis of accounting and are in accordance with historical cost convention as the basis of measurement, unless specified otherwise. They are presented in South African Rands.

Assets, liabilities, revenues and expenses were not offset, except where offsetting is either required or permitted by a Standard of GRAP, when Legal Aid SA has a legal right to set-off the amount and intends to settle on a net basis to realise the asset and settle the liability simultaneously.

A summary of the significant accounting policies, which have been consistently applied in the preparation of these Annual Financial Statements, are disclosed below.

These accounting policies are consistent with the previous period.

1.1. PRESENTATION CURRENCY

These Annual Financial Statements are presented in South African Rands, which is the functional currency of the entity.

1.2. GOING CONCERN ASSUMPTION

These Annual Financial Statements have been prepared based on the expectation that the entity will continue to operate as a going concern for at least the next 12 months.

1.3. SIGNIFICANT JUDGMENTS AND SOURCES OF ESTIMATION UNCERTAINTY

In preparing the Annual Financial Statements, Management is required to make estimates and assumptions that affect the amounts represented in the Annual Financial Statements and related disclosures. Use of available information and the application of judgment is inherent in the formation of estimates. Actual results in the future could differ from these estimates which may be material to the Annual Financial Statements. Significant judgments include Judicare provision, impairment of receivables, employee benefits and useful lives and depreciation or amortisation methods and asset impairment.

Other significant judgments, sources of estimation uncertainty and/or relating information have been disclosed in the relating notes.

Trade receivables

The entity assesses its trade receivables for impairment at the end of each reporting period. In determining whether an impairment loss should be recorded in surplus or deficit, the entity makes judgments as to whether there is observable data indicating a measurable decrease in the estimated future cash flows from a financial asset.

Impairment of receivables

Management conducts annual tests to determine whether receivables have suffered any impairment.

Provisions

Provisions were raised and Management determined an estimate based on the information available. Additional disclosure of these estimates of provisions are included in note 12 – Provisions.

ACCOUNTING POLICIES

Useful lives of tangible and intangible assets

Legal Aid SA's Management determines the estimated useful lives and related depreciation and amortisation charges for the property, plant and equipment and intangible assets. This estimate is based on industry norm. Management will increase the depreciation and amortisation charge where useful lives are less than previously estimated useful lives.

Post-retirement benefits

The present value of the post-retirement obligation depends on a number of factors that are determined on an actuarial basis using a number of assumptions. The assumptions used in determining the net cost (income) include the discount rate. Any changes in these assumptions will impact on the carrying amount of post-retirement obligations.

The entity determines the appropriate discount rate at the end of each year. This is the interest rate that should be used to determine the present value of estimated future cash outflows expected to be required to settle the pension obligations. In determining the appropriate discount rate, the entity considers the interest rates of high-quality corporate bonds that are denominated in the currency in which the benefits will be paid, and that have terms to maturity approximating the terms of the related pension liability.

Other key assumptions for pension obligations are based on current market conditions. Additional information is disclosed in note 10.

Allowance for doubtful debts

On debtors an impairment loss is recognised in surplus and deficit when there is objective evidence that it is impaired. The impairment is measured as the difference between the debtors' carrying amount and the present value of estimated future cash flows discounted at the effective interest rate, computed at initial recognition.

Depreciation and amortisation

During each financial year, Management reviews property, plant and equipment and intangible assets to assess whether the useful lives and residual values applicable to each asset are appropriate. At the end of each financial year, Management assesses whether there is any indication that Legal Aid SA's expectations about the residual value and the useful life of assets included in property, plant and equipment have changed since the preceding reporting date.

1.4. PROPERTY, PLANT AND EQUIPMENT

Property, plant and equipment are tangible non-current assets that are held for use in the production or supply of goods or services, rental to others, or for administrative purposes, and are expected to be used during more than one period.

The cost of an item of property, plant and equipment is recognised as an asset when:

- it is probable that future economic benefits or service potential associated with the item will flow to the entity; and
- the cost of the item can be measured reliably.

Property, plant and equipment is initially measured at cost.

The cost of an item of property, plant and equipment is the purchase price and other costs attributable to bring the asset to the location and condition necessary for it to be capable of operating in the manner intended by Management. Trade discounts and rebates are deducted in arriving at the cost.

Where an item of property, plant and equipment is acquired in exchange for a non-monetary asset or monetary assets, or a combination of monetary and non-monetary assets, the asset acquired is initially measured at fair value (the cost). If the acquired item's fair value was not determinable, its deemed cost is the carrying amount of the asset(s) given up.

Property, plant and equipment is carried at cost less accumulated depreciation and any impairment losses, except for land which is carried at revalued amounts.

ACCOUNTING POLICIES

Property, plant and equipment are depreciated on the straight-line basis over their expected useful lives to their estimated residual value.

The useful lives of items of property, plant and equipment have been assessed as follows:

Item	%	Average Useful Life
Land	0	Infinite
Buildings	4%	25 years
Furniture and equipment	6.67% - 20%	5 to 15 years
Motor vehicles	11.1%	9 years
Computer equipment	10% - 20%	5 to 10 years
Leasehold improvements	Lease term	Lease term
Building improvements	6.67%	15 years
Fittings and fixtures	5%	20 years

The depreciable amount of an asset is allocated on a systematic basis over its useful life.

Each part of an item of property, plant and equipment with a cost that is significant in relation to the total cost of the item is depreciated separately.

The depreciation method used reflects the pattern in which the asset's future economic benefits or service potential are expected to be consumed by the entity. The depreciation method applied to an asset is reviewed at least at each reporting date and, if there has been a significant change in the expected pattern of consumption of the future economic benefits or service potential embodied in the asset, the method is changed to reflect the changed pattern. Such a change is accounted for as a change in an accounting estimate.

The entity assesses at each reporting date whether there is any indication that the entity's expectations about the residual value and the useful life of an asset have changed since the preceding reporting date. If any such indication exists, the entity revises the expected useful life and/or residual value accordingly. The change is accounted for as a change in an accounting estimate.

The depreciation charge for each period is recognised in surplus or deficit unless it is included in the carrying amount of another asset.

Items of property, plant and equipment are derecognised when the asset is disposed of or when there are no further economic benefits or service potential expected from the use of the asset.

The gain or loss arising from the derecognition of an item of property, plant and equipment is included in surplus or deficit when the item is derecognised. The gain or loss arising from the derecognition of an item of property, plant and equipment is determined as the difference between the net disposal proceeds, if any, and the carrying amount of the item.

Subsequent expenditure incurred on items of property, plant and equipment is only capitalised to the extent that such expenditure enhances the value or previous capacity of those assets. Repairs and maintenance not deemed to enhance the economic benefits or service potential of items of property, plant and equipment are charged to the Statement of Financial Performance during the period in which they are incurred. The entity separately discloses expenditure to repair and maintain property, plant and equipment in the notes to the financial statements (see note 3).

ACCOUNTING POLICIES

1.5. INTANGIBLE ASSETS

An asset is identifiable if it either:

- is separable, i.e., is capable of being separated or divided from an entity and sold, transferred, licensed, rented or exchanged, either individually or together with a related contract, identifiable assets or liability, regardless of whether the entity intends to do so; or
- arises from binding arrangements (including rights from contracts), regardless of whether those rights are transferable or separable from the entity or from other rights and obligations.

Intangible assets consist of computer software and are defined as an identifiable non-monetary asset without physical substance.

An intangible asset is recognised when:

- it is probable that the expected future economic benefits or service potential attributable to the asset will flow to the entity; and
- the cost or fair value of the asset can be measured reliably.

The entity assesses the probability of expected future economic benefits or service potential using reasonable and supportable assumptions that represent Management's best estimate of the set of economic conditions that will exist over the useful life of the asset.

Where an intangible asset is acquired through a non-exchange transaction, its initial cost at the date of acquisition is measured at its fair value as at that date.

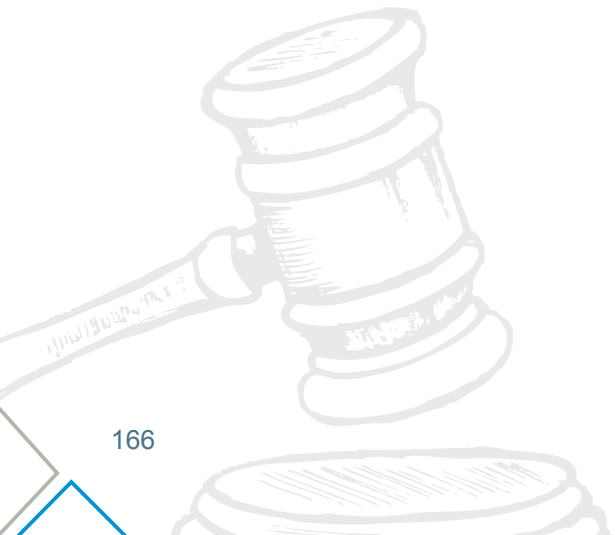
Expenditure on research (or on the research phase of an internal project) is recognised as an expense when it is incurred.

Cost includes the purchase price, all developmental costs incurred in preparing the intangible asset to be ready for use, less discounts received on acquisition including service costs. Intangible assets are carried at cost less any accumulated amortisation and any impairment losses.

An intangible asset is regarded as having an indefinite useful life when, based on all relevant factors, there is no foreseeable limit to the period over which the asset is expected to generate net cash inflows or service potential. Amortisation is not provided for these intangible assets, but they are tested for impairment annually and whenever there is an indication that the asset may be impaired. For all other intangible assets, amortisation is provided on a straight-line basis over their useful life.

The amortisation period and the amortisation method for intangible assets are reviewed at each reporting date.

Reassessing the useful life of an intangible asset with a finite useful life after it was classified as indefinite is an indicator that the asset may be impaired. As a result, the asset is tested for impairment and the remaining carrying amount is amortised over its useful life.



ACCOUNTING POLICIES

Amortisation is provided to write down the intangible assets, on a straight-line basis, to their residual values as follows:

Item	Depreciation Method	Average Useful Life
Computer software	Straight-line	1 year to indefinite

1.6. LEASED ASSETS

Leased assets are property (land or a building – or part of a building – or both) held to earn rentals or for capital appreciation or both, rather than for administrative purposes.

A lease is classified as a finance lease if it transfers substantially all the risks and rewards incidental to ownership. A lease is classified as an operating lease if it does not transfer substantially all the risks and rewards to ownership.

Finance leases – lessee

Finance leases are recognised as assets and liabilities in the Statement of Financial Position at amounts equal to the fair value of the leased property, or if lower, the present value of the minimum lease payments. Finance lease payments are apportioned between the capital and the interest portions.

The corresponding liability to the lessor is included in the Statement of Financial Position as a finance lease obligation. The interest is expensed in the Statement of Financial Performance and allocated to each period during the lease term so as to produce a constant periodic rate of the remaining balance of the liability.

The lease assets are depreciated over the lease period. The present value of the minimum lease payments is calculated at the net present value based on the applicable prime rate at the reporting date. The minimum lease payments are apportioned between the finance charge and the reduction of the outstanding liability, the discount rate for the calculation of the present value of minimum lease payments 1.4%.

The finance lease obligations are derecognised when Legal Aid SA's obligation to settle the liability is extinguished. The assets capitalised under the finance lease are derecognised when the entity no longer expects any economic benefits or service potential to flow from the asset.

Operating leases

Operating lease payments are straight lined and recognised as an expense over the period of the lease in the Statement of Financial Performance. The difference between the amounts recognised as an expense and contractual payments is recognised as an operating lease asset or liability. The operating lease commitments are disclosed in the notes to the financial statements.

The operating lease liabilities are derecognised when Legal Aid SA's obligation to settle the liability is extinguished. The operating lease assets are derecognised when the entity no longer anticipates any economic benefits or service potential to flow from the asset.

1.7. FINANCIAL INSTRUMENTS

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or a residual interest of another entity.

Credit risk is the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation.

Currency risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates.

ACCOUNTING POLICIES

The effective interest method is a method of calculating the amortised cost of a financial asset or a financial liability (or group of financial assets or financial liabilities) and of allocating the interest income or interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments or receipts through the expected life of the financial instrument, or when appropriate, a shorter period to the net carrying amount of the financial asset or financial liability. When calculating the effective interest rate, an entity shall estimate cash flows considering all contractual terms of the financial instrument (for example, prepayment, call and similar options) but shall not consider future credit losses. The calculation includes all fees and points paid or received between parties to the contract that are an integral part of the effective interest rate (see the Standard of GRAP on Revenue from Exchange Transactions), transaction costs, and all other premiums or discounts. There is a presumption that the cash flows and the expected life of a group of similar financial instruments can be estimated reliably. However, in those rare cases when it is not possible to reliably estimate the cash flows or the expected life of a financial instrument (or group of financial instruments), the entity shall use the contractual cash flows over the full contractual term of the financial instrument (or group of financial instruments).

A financial asset is:

- cash;
- a residual interest of another entity; or
- a contractual right to:
  - receive cash or another financial asset from another entity; or
  - exchange financial assets or financial liabilities with another entity under conditions that are potentially favourable to the entity.

A financial liability is any liability that is a contractual obligation to:

- deliver cash or another financial asset to another entity; or
- exchange financial assets or financial liabilities under conditions that are potentially unfavourable to the entity.

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates.

Liquidity risk is the risk encountered by an entity in the event of difficulty in meeting obligations associated with financial liabilities that are settled by delivering cash or another financial asset.

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Market risk comprises three types of risk: currency risk, interest rate risk and other price risk.

Initial recognition and measurement

Financial instruments are recognised on the Statement of Financial Position when Legal Aid SA becomes party to the contractual provisions of the instrument. Financial instruments include cash and cash equivalents, trade and other receivables and trade and other payables. Financial assets and liabilities are recognised initially at fair value plus transaction costs, except for those financial instruments that are classified at fair value through profit or loss. In the case of financial assets or liabilities not classified at fair value through the Statement of Financial Performance, transaction costs that are directly attributable to the acquisition or issue of the financial instrument are added to the fair value. Financial assets are derecognised if the entity's contractual rights to the cash flows from the financial assets expire or if Legal Aid SA transfers the financial assets to another party without retaining control or substantially all risks and rewards of the asset. Financial liabilities are derecognised if the entity's obligations specified in the contract expire or are discharged or cancelled.

Fair value is the amount for which an asset could be exchanged, or a liability settled, between knowledgeable willing parties in an arm's length transaction.

ACCOUNTING POLICIES

The financial instruments at Legal Aid SA are currently classified as Financial Instruments at Amortised Cost and are detailed as follows:

Trade and other receivables

- Trade and other receivables are initially measured at fair value, and subsequently measured at amortised cost. Appropriate allowances for estimated irrecoverable amounts are recognised in surplus or deficit when there is objective evidence that not all amounts due will be collected according to original terms of receivables. Significant financial difficulties of the debtor, probability that the debtor will default or delinquency in payments are considered indicators that the receivable is impaired.
- An estimate of doubtful debts is made based on a review of all outstanding individual amounts at statement of position date. The allowance recognised is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted as the effective interest rate.
- The Accounting Authority writes off irrecoverable debts in accordance with Treasury Regulations 11.4.1(a) and (b) after having taken the necessary steps to recover the debt.
- Receivables included in the Statement of Financial Position arise from staff debtors, duplicate Judicare travel claims by practitioners, normal Judicare debtors and other debtors.

Cash and cash equivalents

- Cash and cash equivalents comprise balances in the current and call investment accounts and the cash on hand. Cash and cash equivalents are initially recorded at fair value.
- Deposits held on call and investments are classified as financial assets at amortised cost. Due to the short-term nature of these instruments, the amortised cost approximates its fair value.

Trade and other payables

- Trade and other payables are initially measured at fair value, using the effective interest rate method.
- Trade and other payables are classified as financial liabilities at amortised cost.

Derecognition of financial instruments

- Financial assets are derecognised when the entity loses control of the contractual rights that comprise the financial assets. Legal Aid SA loses such control if rights to benefits specified in the contract are realised, the rights expire or the entity surrenders those rights. Financial liabilities are derecognised when the obligation is discharged, cancelled or expires.

Classification

The entity has the following types of financial assets (classes and category) as reflected on the face of the Statement of Financial Position or in the notes thereto:

Class	Category
Cash and cash equivalents	Financial asset measured at amortised cost
Receivables from exchange transactions	Financial asset measured at amortised cost
Deposits	Financial asset measured at amortised cost
Client trust	Financial asset measured at amortised cost

ACCOUNTING POLICIES

The entity has the following types of financial liabilities (classes and category) as reflected on the face of the Statement of Financial Position or in the notes thereto:

Class	Category
Payables from exchange transactions	Financial liability measured at amortised cost
Deposits	Financial liability measured at amortised cost
Client trust	Financial liability measured at amortised cost
Finance lease obligation	Financial liability measured at amortised cost

1.8. IMPAIRMENT OF NON-CASH-GENERATING ASSETS

Cash-generating assets are assets used with the objective of generating a commercial return. Commercial return means that positive cash flows are expected to be significantly higher than the cost of the asset.

Non-cash-generating assets are assets other than cash-generating assets.

Impairment is a loss in the future economic benefits or service potential of an asset, over and above the systematic recognition of the loss of the asset's future economic benefits or service potential through depreciation (amortisation).

Legal Aid SA's property, plant and equipment including intangible assets are classified as non-cash generating assets, as they are not used to generate profit but to provide legal services.

The non-cash generating assets are assessed at each reporting date to determine if there is any indication that the assets are impaired. If there is an indication that the asset may be impaired, the recoverable service amount is estimated for the individual asset. The recoverable service amount of an asset is the higher of its fair value less cost to sell and its value in use. If the recoverable service amount of an asset is less than its cost less accumulated depreciation or amortisation, the impairment loss is recognised immediately in surplus or deficit.

Intangible assets with an indefinite useful life and intangible assets under development are assessed for impairment at each reporting date.

At each reporting date, the entity assesses whether there is an indication that an impairment loss recognised in prior periods for assets may no longer exist or may have decreased. If any indication exists, the recoverable service amounts of those assets are estimated. The increased carrying amount of assets attributable to a reversal of an impairment loss does not exceed the carrying amount that would have been determined had no impairment loss been recognised for assets in the prior years. A reversal of an impairment loss of assets carried at cost less accumulated depreciation or amortisation is recognised immediately in surplus or deficit.

1.9. PREPAYMENTS

Prepayments are payments made in advance for services or goods that have not been delivered, for which Legal Aid SA expects the delivery in the next financial period. Prepayments are recognised as current assets and are not discounted as the discounting effect thereof is considered immaterial.

1.10. CLIENT TRUST FUND

These constitute amounts received from estates late and settlements reached in civil matters. These amounts are payable to recipients based on court settlement orders and/or heirs, legatees or other claimants in estate matters.

1.11. DEPOSITS

These constitute amounts held by landlords for the various buildings leased by the entity, and travel agencies. Deposits are recorded at fair value.

ACCOUNTING POLICIES

1.12. EMPLOYEE BENEFITS

Employee benefits are all forms of consideration given by an entity in exchange for service rendered by employees.

Short-term employee benefits

The cost of short-term employee benefits (those payable within 12 months after the service is rendered, such as paid vacation leave, sick leave, bonuses and non-monetary benefits such as medical care) are recognised in the period in which the service is rendered and are not discounted.

The expected cost of compensation for absences is recognised as an expense as the employees render services that increase their entitlement, or in the case of non-accumulating absences, when the absence occurs, Legal Aid SA recognises the expected cost of bonus, incentive and performance-related payments when the entity has a present legal or constructive obligation to make such payments as a result of past events and a reliable estimate of the obligation can be made. A present obligation exists when Legal Aid SA has no realistic alternative but to make the payments.

Employee entitlements to annual leave are recognised when they accrue to employees. An accrual, based on total employment cost, is raised for the estimated liabilities as a result of services rendered by employees up to reporting date.

Defined contribution plans

Legal Aid SA has a defined contribution plan, where contributions are made to a separately administered fund. The fund is administered under the control of the National Government. The National Treasury stands as guarantor for any shortfall that the fund may experience.

Existing employees

Past service costs, experience adjustments, the effects of changes in actuarial assumptions and the effects of plan amendments in respect of existing employees in a defined contribution plan are recognised as an expense or as income systematically over the expected average remaining working lives of those employees (except in the case of certain plan amendments where the use of a shorter time year is necessary to reflect the receipt of economic benefits by the entity).

Plan terminations, curtailments and settlements

When it is probable that a defined contribution plan will be terminated or that there will be a curtailment or settlement of the retirement benefits payable under that plan,

- any resulting increase in the retirement benefit cost is recognised as an expense immediately; and
- any resulting gain is recognised as income in the year in which the termination, curtailment or settlement occurs.

Post-retirement medical benefit

The defined benefit obligation, the related current cost, and where applicable, past service costs are determined by using the Projected Unit Credit Method. A portion of the actuarial gains and losses is recognised as income or expense in the year it occurs.

Unvested past service cost is recognised as an expense on the straight-line basis over the average year until the benefits become vested, while vested past service costs are recognised as an expense in the Statement of Financial Performance.

ACCOUNTING POLICIES

1.13. PROVISIONS

Provisions are recognised when:

- the entity has a present obligation as a result of a past event;
- it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; and
- a reliable estimate can be made of the obligation.

The amount of a provision is the best estimate of the expenditure expected to be required to settle the present obligation at the reporting date.

Provisions are reviewed at each reporting date and adjusted to reflect the current best estimate. Provisions are reversed if it is no longer probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation.

Provisions are recognised when Legal Aid SA has a present legal or constructive obligation as a result of past events; it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation, and a reliable estimate of the amount of the obligation can be made. These provisions are raised based on Management's determined estimate using information available and represent the best estimate expected to be required to settle the present obligation at the reporting date. Other provisions of the entity are short-term in nature and thus ignore the effects of discounting.

Where the effect of time value of money is material, the amount of a provision is the present value of the expenditures expected to be required to settle the obligation. The discount rate is a pre-tax rate that reflects current market assessments of the time value of money and the risks specific to the liability.

Provisions are reviewed at each reporting date and adjusted to reflect the current best estimate. Provisions are reversed if it is no longer probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation. A provision is used only for expenditures for which the provision was originally recognised. Provisions are not recognised for future operating deficits.

Judicare provision

Judicare provisions are recognised when Legal Aid SA has a present legal or constructive obligation as a result of past events, for which it is probable that an outflow of economic benefits will be required.

In the process of applying the Accounting Authority's accounting policies, Management has made the following judgment that has the most significant effect on the amounts recognised in the financial statements:

- The calculation for this provision is based on reviewing actual payments for matters over a minimum period of five (5) financial years and adjusting all payments made during this period to their present value. Management thereafter determines the percentage of case activities that is completed per month for each matter and/or court type, up to a maximum of 36 months. This information is then used to determine the provision amount for each pending matter based on its age and the cost per case of the matter.

Corporate litigation

Corporate litigation is provided for legal matters where it is probable that an outflow of economic benefits will be required to settle the obligation and the amount can be reliably measured.

1.14. CONTINGENT LIABILITIES

Contingent liabilities are possible obligations that arise from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within control of Legal Aid SA, or a present obligation that is not recognised because the outflow of economic benefits or service potential is not probable and/or a real present obligation that may not be recognised, either because the timing or the measurement is not known. Contingent liabilities are only disclosed in the notes to the Annual Financial Statements.

ACCOUNTING POLICIES

1.15. COMMITMENTS

Items are classified as commitments when an entity has committed itself to future transactions that will normally result in the outflow of cash.

Commitments are disclosed at cost in the notes to the financial statements when there is a contractual arrangement or an approval by Management in a manner that raises a valid expectation that the entity will discharge its responsibilities, thereby incurring future expenditure that will result in the outflow of cash. Commitments are not recognised in the Statement of Financial Position but are disclosed in the notes to the Annual Financial Statements.

1.16. REVENUE FROM EXCHANGE TRANSACTIONS

Revenue is the gross inflow of economic benefits or service potential during the reporting period when those inflows result in an increase in net assets, other than increases relating to contributions from owners.

An exchange transaction is one in which the entity receives assets or services, or has liabilities extinguished, and directly gives approximately equal value (primarily in the form of goods, services or use of assets) to the other party in exchange.

Fair value is the amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties in an arm's length transaction.

Measurement

Revenue is measured at the fair value of the consideration received or receivable, net of trade discounts and volume rebates.

Other income

The entity receives occasional income by way of a share in awards made to clients in civil matters as well as receiving cost awards, and income from disposed assets sold to staff. Due to the nature of services as well as the prospect of appeals, Legal Aid SA only recognises this income as soon as it is awarded to it.

Interest income

Interest is recognised on a time proportion basis that takes into account the effective yield on cash and cash equivalent.

1.17. REVENUE FROM NON-EXCHANGE TRANSACTIONS

Non-exchange transactions are transactions that are not exchange transactions. In a non-exchange transaction, Legal Aid SA either receives value from another entity without directly giving approximately equal value in exchange or gives value to another entity without directly receiving approximately equal value in exchange.

Recognition

An inflow of resources from a non-exchange transaction recognised as an asset is recognised as revenue, except to the extent that a liability is also recognised in respect of the same inflow.

As the entity satisfies a present obligation recognised as a liability in respect of an inflow of resources from a non-exchange transaction recognised as an asset, it reduces the carrying amount of the liability recognised and recognises an amount of revenue equal to that reduction.

Government grant

Legal Aid SA receives an unconditional Government grant from the Department of Justice and Constitutional Development. The Government grant is recognised in the period when it becomes receivable.

ACCOUNTING POLICIES

Services in-kind

Where services in-kind are not significant to Legal Aid SA's operations and/or service delivery objectives and/or do not satisfy the criteria for recognition, the entity discloses the nature and type of services in-kind received during the reporting period.

The entity recognises services in-kind that are significant to its operations and/or service delivery objectives as assets and recognise the related revenue when it is probable that the future economic benefits or service potential will flow to the entity and the fair value of the assets can be measured reliably.

1.18. FINANCE COSTS

Finance costs are charges incurred by the entity in connection with the finance lease liability. Finance costs are recognised as an expense in the period in which they are incurred.

1.19. TRANSLATION OF FOREIGN CURRENCIES

Foreign currency transactions

A foreign currency transaction is recorded, on initial recognition in Rands, by applying to the foreign currency amount the spot exchange rate between the functional currency and the foreign currency at the date of the transaction.

Exchange differences arising on the settlement of monetary items or on translating monetary items at rates different from those at which they were translated on initial recognition during the period or in previous Annual Financial Statements are recognised in surplus or deficit in the period in which they arise.

1.20. TAX

No provision is made for taxation as Legal Aid SA is exempt in terms of section 10(1)(CA) of the Income Tax Act.

1.21. MATERIALITY

Section 55(2) of the PFMA specifies components of the financial statements that have to take into account tolerance levels both in terms of financial, non-financial and disclosure of specific information such that it enables the Executive Authority to effectively perform their fiduciary duties. The entity has an approved framework of acceptable levels of materiality and significance.

1.22. CASH FLOW

The Cash Flow Statement is prepared in accordance with the direct method. Specific information has been presented separately on the Statement of Financial Position, such as:

- Receivables from exchange transactions.
- Trade and other payables from non-exchange transactions.

1.23. BUDGET INFORMATION

Entities are typically subject to budgetary limits in the form of appropriations or budget authorisations (or equivalent), which is given effect through authorising legislation, appropriation or similar.

General purpose financial reporting by an entity shall provide information on whether resources were obtained and used in accordance with the legally adopted budget.

The approved budget is prepared on a cash basis and presented by economic classification linked to performance outcome objectives.

The approved budget covers the fiscal period from 1 April 2021 to 31 March 2022.

The budget for the economic entity includes all the entities' approved budgets under its control.

ACCOUNTING POLICIES

The Annual Financial Statements and the budget are on the same basis of accounting, therefore a comparison with the budgeted amounts for the reporting period have been included in the Statement of Comparison of Budget and Actual Amounts.

1.24. IRREGULAR EXPENDITURE

Irregular expenditure means expenditure other than unauthorised expenditure, incurred in contravention of, or that is not in accordance with the requirements of any applicable legislation from the definition in the PFMA.

All expenditure relating to irregular expenditure is recognised as an expense in the Statement of Financial Performance in the period that the expenditure was incurred.

Irregular expenditure is recorded in the notes to the financial statements when confirmed. The amount recorded is equal to the value of the irregular expenditure incurred unless it is impracticable to determine, in which case reasons therefore are provided in the note.

Irregular expenditure is removed from the note when it is either condoned by the relevant authority, transferred to receivables for recovery or is not condoned and is not recoverable.

Irregular expenditure receivables are measured at the amount that is expected to be recoverable and are derecognised when settled or subsequently written off as irrecoverable.

1.25. FRUITLESS AND WASTEFUL EXPENDITURE

Fruitless expenditure means expenditure which was made in vain and would have been avoided had reasonable care been exercised.

All expenditure relating to fruitless and wasteful expenditure is recognised as an expense in the Statement of Financial Performance in the period that the expenditure was incurred.

Fruitless and wasteful expenditure is recorded in the notes to the financial statements when confirmed. The amount recorded is equal to the total value of the fruitless and/or wasteful expenditure incurred.

Fruitless and wasteful expenditure is removed from the notes to the financial statements when it is resolved or transferred to receivables for recovery.

Fruitless and wasteful expenditure receivables are measured at the amount that is expected to be recoverable and are derecognised when settled or subsequently written off as irrecoverable.

1.26. RELATED PARTIES

A related party is a person or an entity with the ability to control or jointly control the other party, or exercise significant influence over the other party, or vice versa, or an entity that is subject to common control, or joint control.

A related party transaction is a transfer of resources, services or obligations between the reporting entity and a related party, regardless of whether a price is charged.

Close members of the family of a person are those family members who may be expected to influence or be influenced by that person in their dealings with the entity.

All payments to Executive Management and non-executive members of Legal Aid SA are disclosed as related party transactions. Transactions with State-Controlled Organisations falling under the definition of control or significant influence which occurs other than in accordance with operating parameters established are disclosed separately in the notes to the financial statements.

ACCOUNTING POLICIES

1.27. EVENTS AFTER REPORTING DATE

Events after reporting date are those events, both favourable and unfavourable, that occur between the reporting date and the date when the financial statements are authorised for issue. Two types of events can be identified:

- those that provide evidence of conditions that existed at the reporting date (adjusting events after the reporting date); and
- those that are indicative of conditions that arose after the reporting date (non-adjusting events after the reporting date).

Legal Aid SA will adjust the amount recognised in the financial statements to reflect adjusting events after the reporting date once the event occurred.

Legal Aid SA will disclose the nature of the event and an estimate of its financial effect or a statement that such estimate cannot be made in respect of all material non-adjusting events, where non-disclosure could influence the economic decisions of users taken on the basis of the financial statements.

1.28. CHANGES IN ACCOUNTING ESTIMATES

Change in estimates is an adjustment of the carrying amount of an asset or a liability, or the amount of the periodic consumption of an asset, that results from the assessment of the present status of, and expected future benefits and obligations associated with assets and liabilities. Changes in accounting estimates result from new information or new developments and accordingly are not corrections of errors. The nature and amount of a change in an accounting estimate that has an effect in the current period is disclosed in the notes. Changes in accounting estimates are accounted for prospectively.

1.29. BUDGET

Legal Aid SA prepares its annual budget on a cash basis in terms of the PFMA and the National Treasury Medium Term Expenditure Framework Guidelines issued annually. The budget is approved by the Accounting Authority before the commencement of the new financial year. The Statement of Financial Performance is prepared on an accrual basis.

1.30. COMPARATIVE FIGURES

Where necessary, comparative figures have been reclassified to conform to changes in presentation in the current year.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

2. NEW STANDARDS AND INTERPRETATIONS

2.1. Standards and interpretations issued, but not yet effective

Standard/Interpretation:	Effective date: Years beginning on or after	Expected impact:
GRAP 25 (as revised 2021): Employee Benefits	1 April 2022	Unlikely there will be a material impact
iGRAP 7 (as revised 2021): Limit on defined benefit asset, minimum funding requirements and their interaction	To be determined	Unlikely there will be a material impact
GRAP 104 (amended): Financial Instruments	1 April 2022	Unlikely there will be a material impact
iGRAP 21: The Effect of Past Decisions on Materiality	1 April 2023	Unlikely there will be a material impact
GRAP 2020: Improvements to the standards of GRAP 2020	1 April 2023	Unlikely there will be a material impact
GRAP 1 (amended): Presentation of Financial Statements	1 April 2023	Unlikely there will be a material impact

The following standards and interpretations have been published and are mandatory for the entity's accounting periods beginning on or after 1 April 2022 or later periods but are not relevant to its operations:

2.2. Standards and interpretations not yet effective or relevant

Standard/Interpretation:	Effective date: Years beginning on or after	Expected impact:
Guideline: Guideline on Accounting for Landfill Sites	To be determined	Unlikely there will be a material impact
Guideline: Guideline on the Application of Materiality to Financial Statements	To be determined	Unlikely there will be a material impact
Directive 14: The application of Standards of GRAP by Public Entities that apply IFRS® Standards	To be determined	Unlikely there will be a material impact

3. PROPERTY, PLANT AND EQUIPMENT

	2022			2021		
	Cost/Valuation	Accumulated depreciation and Accumulated depreciation	Carrying value	Cost/ Valuation	Accumulated depreciation and Accumulated depreciation	Carrying value
Land	7,180,822	-	7,180,822	7,180,822	-	7,180,822
Buildings	59,838,796	(16,699,005)	43,139,791	59,838,796	(14,368,444)	45,470,352
Furniture and equipment	26,633,289	(14,367,797)	12,265,492	26,503,857	(14,207,856)	12,296,001
Motor vehicles	106,124,260	(31,102,423)	75,021,837	98,794,137	(31,224,789)	67,569,348
Computer equipment	113,397,892	(63,082,621)	50,315,271	106,862,494	(71,005,724)	35,856,770
Leasehold improvements	22,535,308	(12,136,715)	10,398,593	22,740,115	(12,356,182)	10,383,933
Building improvements	26,967,744	(12,249,490)	14,718,254	26,646,516	(10,516,258)	16,130,258
Fittings and fixtures	2,979,926	(2,738,738)	241,188	2,979,926	(2,734,483)	245,443
Total	**365,658,037**	**(152,376,789)**	**213,281,248**	**351,546,663**	**(156,413,736)**	**195,132,927**

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

Reconciliation of property, plant and equipment - 2022

	Opening balance	Additions	Disposals	Depreciation	Total
Land	7,180,822	-	-	-	7,180,822
Buildings	45,470,352	-	-	(2,330,561)	43,139,791
Building improvements	16,130,258	321,285	-	(1,733,289)	14,718,254
Motor vehicles	67,569,348	17,567,283	(2,392,068)	(7,722,726)	75,021,837
Furniture and equipment	12,296,001	625,718	(76,044)	(580,183)	12,265,492
Fittings and fixtures	245,443	-	-	(4,255)	241,188
Leasehold improvements	10,383,933	579,281	(66,586)	(498,035)	10,398,593
Computer equipment	35,856,770	23,874,521	(456,707)	(8,959,313)	50,315,271
	195,132,927	**42,968,088**	**(2,991,405)**	**(21,828,362)**	**213,281,248**

Reconciliation of property, plant and equipment – 2021

	Opening balance	Additions	Disposals	Depreciation	Total
Land	6,080,822	1,100,000	-	-	7,180,822
Buildings	37,318,850	10,155,834	-	(2,004,332)	45,470,352
Building improvements	15,925,198	1,695,354	-	(1,490,294)	16,130,258
Motor vehicles	54,971,593	19,593,641	(1,160,196)	(5,835,690)	67,569,348
Furniture and equipment	12,498,589	683,491	(15,632)	(870,447)	12,296,001
Fittings and fixtures	261,177	-	-	(15,734)	245,443
Leasehold improvements	8,812,300	4,124,577	(233)	(2,552,711)	10,383,933
Computer equipment	36,945,497	13,455,394	(66,567)	(14,477,554)	35,856,770
	172,814,026	**50,808,291**	**(1,242,628)**	**(27,246,762)**	**195,132,927**

Pledged as security

None carrying value of assets pledged as security.

INITIAL MEASUREMENTS

Land

The first land is described as ERF 4410 Johannesburg Township Registration Division I.R., provision of Gauteng, Johannesburg Division Gauteng Province. The land measures 1,490 square metres. It was transferred (sold) to Legal Aid South Africa on 4 September 2008. For initial split, the land was revaluated by an independent valuator, J.O. Schoonraad, on 23 September 2011 and has been stated at cost of R11,788,000.

The second land is described as ERF 408 Middelburg Registration Division I.R., provision of Mpumalanga, Middelburg Division Mpumalanga Province. The land measures 966 square metres. It was transferred (sold) to Legal Aid South Africa on 8 March 2017. For initial recognition split, the land was revaluated by an independent valuator, Kgolofelo Property Services CC, on 15 August 2015 and has been stated at cost of R630,000.

The third land is described as ERF 1956 Lichtenburg Registration Division I.R., provision of North West, Lichtenburg Division North West Province. The land measures approximately 1,086 square metres. It was transferred (sold) to Legal Aid South Africa on 19 May 2016. For initial recognition split purpose, the land was revaluated by an independent valuator, Ettienne E. Pretorius, on 20 September 2016 and has been stated at cost of R543,000.

The fourth land is described as ERF 884 Johannesburg Registration Division I.R., provision of Gauteng, Johannesburg Division Gauteng Province. The land measures approximately 595 square metres. It was transferred (sold) to Legal Aid South Africa on 29 July 2016. For initial recognition split purpose, the land was revaluated by an independent valuator, Ettienne E. Pretorius, on 20 September 2016 and has been stated at cost of R595,000.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

The fifth land is described as ERF 1737 Krugersdorp Township Registration Division I.R., provision of Gauteng, Krugersdorp Division Gauteng Province. The land measures approximately 495 square metres. It was transferred (sold) to Legal Aid South Africa on 13 April 2017. For initial recognition split purpose, the land was revaluated by an independent valuator, Tsebo Real Asset Management, on 14 November 2017 and has been stated at cost of R850,000.

The sixth land is described as ERF 39 Welkom Registration Division I.R., provision of Free State, Welkom Division Free State Province. The land measures approximately 373 square metres. It was transferred (sold) to Legal Aid South Africa on 10 May 2017. For initial recognition split purpose, the land was revalued by an independent valuator, Equity Property Professionals, on 28 March 2018 and has been stated at cost of R292,696.

The seventh land is described as ERF 109 Witbank Registration Division I.R., provision of Mpumalanga, Witbank Division Mpumalanga Province. The land measures approximately 2,231 square metres. It was transferred (sold) to Legal Aid South Africa on 12 July 2017. For initial recognition split purpose, the land was revalued by an independent valuator, Equity Property Professionals, on 28 March 2018 and has been stated at cost of R1,382,130.

The eighth land is described as ERF 840 Port Elizabeth Registration Division I.R., provision of Eastern Cape, King Williams Town Division Eastern Cape Province. The land measures approximately 2,725 square metres. It was transferred (sold) to Legal Aid South Africa on 27 July 2020. For initial recognition split purpose, the land was revalued by an independent valuator, Modi-Res Valuers, on 5 April 2018 and has been stated at cost of R1,100,000.

Building

The first building is described as ERF 4410 Johannesburg Township Registration Division I.R., provision of Gauteng, Johannesburg Division Gauteng Province. The building measures approximately 8,289 square metres and it was transferred (sold) to Legal Aid South Africa on 4 September 2008. The estimated useful life of the building is 25 years and has been stated at the cost price of R21,981,000 in order to comply with GRAP 17. The building included building improvements made to Legal Aid House.

The second building is described as ERF 408 Middelburg Registration Division I.R., provision of Mpumalanga, Middelburg Division Mpumalanga Province. The building measures approximately 616 square metres and it was transferred (sold) to Legal Aid South Africa on 8 March 2017. The estimated useful life of the building is 25 years and has been stated at the cost price of R5,250,554.

The third building is described as ERF 1956 Lichtenburg Registration Division I.R., provision of North West, Lichtenburg Division North West Province. The building measures approximately 258 square metres and it was transferred (sold) to Legal Aid South Africa on 19 May 2016. The estimated useful life of the building is 25 years and has been stated at the cost price of R1,307,425.

The fourth building is described as ERF 884 Ekurhuleni Metropolitan Registration Division I.R., provision of Gauteng, Johannesburg Division Gauteng Province. The building measures approximately 1,696 square metres and it was transferred (sold) to Legal Aid South Africa on 29 July 2016. The estimated useful life of the building is 25 years and has been stated at the cost price of R3,089,310.

The fifth building is described as ERF 1737 Krugersdorp Township Registration Division I.R., provision of Gauteng, Krugersdorp Division Gauteng Province. The building measures approximately 1,380 square metres and it was transferred (sold) to Legal Aid South Africa on 13 April 2017. The estimated useful life of the building is 25 years and has been stated at the cost price of R4,325,371.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

The sixth building is described as ERF 39 Welkom Registration Division I.R., provision of Free State, Welkom Division Free State Province. The building measures approximately 1,073 square metres and it was transferred (sold) to Legal Aid South Africa on 10 May 2017. The estimated useful life of the building is 25 years and has been stated at the cost price of R7,292,718.

The seventh building is described as ERF 109 Witbank Registration Division I.R., provision of Mpumalanga, Witbank Division Mpumalanga Province. The building measures approximately 1,548 square metres and it was transferred (sold) to Legal Aid South Africa on 12 July 2017. The estimated useful life of the building is 25 years and has been stated at the cost price of R6,433,243.

The eighth building is described as ERF 840 Port Elizabeth Registration Division I.R., provision of Eastern Cape, King Williams Town Division Eastern Cape Province. The building measures approximately 1,701 square metres. It was transferred (sold) to Legal Aid South Africa on 27 July 2020. The estimated useful life of the building is 25 years and has been stated at the cost price of R10,159,172.80.

Expenditure incurred to repair and maintain property, plant and equipment

Expenditure incurred to repair and maintain property, plant and equipment included in Statement of Financial Performance

	2022 R	2021 R
Buildings	**834,156**	**1,370,058**
Motor vehicles	**3,509,488**	**3,444,956**
Office equipment	**2,298,482**	**2,804,295**
	6,642,126	**7,619,309**

4. INTANGIBLE ASSETS

	2022 R			2021 R		
	Cost/Valuation	Accumulated amortisation and Accumulated impairment	Carrying Value	Cost/ Valuation	Accumulated amortisation and Accumulated impairment	Carrying Value
Computer software	31,662,607	(9,531,170)	22,131,437	26,667,702	(7,240,902)	19,426,800

Reconciliation of intangible assets – 2022

	Opening balance	Additions	Amortisation	Total
Computer software	19,426,800	4,994,904	(2,290,267)	22,131,437

Reconciliation of intangible assets – 2021

	Opening Balance	Additions	Disposals	Transfers Received	Transfers	Amortisation	Total
Computer software	843,072	6,157,937	(23,958)	18,424,342	-	(5,974,593)	19,426,800
Intangible assets under development	18,424,342	-	-	-	(18,424,342)	-	-
	19,267,414	**6,157,937**	**(23,958)**	**18,424,342**	**(18,424,342)**	**(5,974,593)**	**19,426,800**

Pledged as security

None of the carrying value of intangible assets pledged as security.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

5. LEASED ASSETS

	2022 R			2021 R		
	Cost/Valuation	Accumulated amortisation and Accumulated impairment	Carrying Value	Cost/ Valuation	Accumulated amortisation and Accumulated impairment	Carrying Value
Finance lease	2,628,260	(2,495,900)	132,360	2,628,260	(2,201,229)	427,031

Reconciliation of leased assets – 2022

Finance lease	Opening balance	Depreciation	Total
	427,031	(294,671)	132,360

Reconciliation of leased assets – 2021

Finance lease	Opening balance	Additions	Depreciation	Total
	728,331	354,488	(655,788)	427,031

Pledged as security

None of carrying value of assets pledged as security.

6. CASH AND CASH EQUIVALENTS

Cash and cash equivalents consist of:

	March 2022	March 2021
Cash on hand	242,000	242,000
Bank balances	23,533,195	5,213,391
Funds held with the Corporation for Public Deposits	679,313,176	568,514,886
	703,088,371	**573,970,277**

Credit quality of cash at bank and short-term deposits, excluding cash on hand

The credit quality of cash at bank and short-term deposits, excluding cash on hand that are neither past due nor impaired can be assessed by reference to external credit ratings (if available) or historical information about counterparty default rates.

7. RECEIVABLES FROM EXCHANGE TRANSACTIONS

	March 2022	March 2021
Trade receivables	46,760,427	16,694,925
Other receivables	418,989	601,151
Provision for doubtful debts	(10,946,320)	(11,687,463)
	36,233,096	**5,608,613**

Included in the trade and other receivables is an amount of R11,946,320 relating to Judicare duplicate travel claims raised from 2004-2005 to date.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

An additional grant amounting to R33,000,000 relates to the Land Rights Management Unit, received from the Department of Agriculture, Land Reform and Rural Development.

Credit quality of trade and other receivables

Credit risk arises mainly from receivables and cash and cash equivalents. Legal Aid SA's exposure to credit risk arises because of default of counterparties with maximum exposure equal to the carrying amount of these instruments:

Groups	March 2022	March 2021
Group 1	646,639	4,629,837
Group 2	1,258,142	638,802
Group 3	33,182,609	47,325
Group 4	12,092,026	11,980,113
	47,179,416	**17,296,077**

Group 1 – Staff debtors outstanding for less than 90 days and with no defaults; these largely comprise of membership fees.

Group 2 – Other staff debtors outstanding for more than 90 days and with no defaults.

Group 3 – Existing debtors outstanding.

Group 4 – Judicare and other legal debtors outstanding for more than 90 days and handed over for collection.

The total gross carrying amount of the impaired receivables as at reporting date is R47,179,416 (March 2021: R17,296,077) and the associated total impairment is R10,946,320 (March 2021: R11,687,463). The recovery of R10,740,176 (March 2021: R10,640,893) has been handed over for collection.

Receivables from exchange transactions past due but not impaired

Trade and other receivables which are less than three months past due are not considered to be impaired. At 31 March 2022, R36,233,096 (2021: R5,608,613) was past due but not impaired.

Other receivables which are past due for more than three months but not impaired were assessed in line with GRAP 104 and the resultant impairment on the gross account receivables amounted to R10,946,320 (2021: R11,687,464).

The aging of amounts past due but not impaired is as follows:	March 2022	March 2021
1 month past due	33,206,193	4,461,331
3-6 months past due	1,142,531	807,307
6 months to 1 year past due	6,918	339,975
1+ years	1,877,454	-
	36,233,096	5,608,613
Reconciliation of provision for impairment of trade and other receivables		
Opening balance	11,687,464	10,659,894
Amounts written off as uncollectible	(1,073,080)	(431,100)
(Decrease)/increase in provision for doubtful debts	331,936	1,458,670
	10,946,320	11,687,464

The majority of the debts written off is mainly due to travel claim recoveries balance remaining from settlement agreements which was written off; the other write off is as a result of Judicare practitioners who have passed on and those whose practices have closed down.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

8. DEPOSITS

Deposits	March 2022	March 2021
	1,736,548	1,708,705
The total deposit above is classified as follows:		
Later than 1 year and not later than 5 years	1,395,799	1,354,620
Not later than 1 year	340,749	354,085
	1,736,548	**1,708,705**
Deposit Reconciliation		
Opening balance	1,708,705	1,665,974
Recoveries	(12,996)	-
Deposits expensed	(14,566)	(189,540)
Deposits moved to debtors	(8,156)	(12,996)
Deposits written off	-	165,010
New deposits for the year	63,561	80,257
	1,736,548	**1,708,705**

This mainly constitutes amounts paid to the landlord as a security for the rental repayments while occupied by Legal Aid SA employees.

9. CLIENT TRUST FUNDS

	March 2022	March 2021
Client trust funds	55,827,063	56,726,471

These constitute amounts received from estates late and settlements reached in civil matters. These amounts are payable to recipients based on court settlement orders.

The corresponding liability for the client trust asset. Refer to note 14.

10. EMPLOYEE BENEFIT OBLIGATIONS

Defined benefit plan

Post-retirement medical aid plan

Legal Aid SA contributes to a medical aid scheme for certain retired employees. The liability for future contributions to the scheme in respect of three retirees was actuarially valued at year end. The scheme is valued every three years.

Legal Aid SA provided for the payment of medical aid for retired employees. This practise has ceased; however, a contractual obligation exists for certain employees who retired with this condition. It is anticipated that these amounts will be paid out over the remaining lives of these pensioners.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

Pension benefits

Defined contribution plan

Legal Aid SA has a defined contribution plan, where contributions are made to a separately administered fund. The plan is governed by the Associated Institutions Pension Fund Act 41 of 1963. The assets of the plan are administered by trustees in a fund independent of Legal Aid SA. The fund is administered under the control of the National Government. The National Treasury stands as guarantor for any shortfall that the fund may experience. For this reason, no provision is made in the books of Legal Aid SA for any shortfall or surplus that may arise. The disclosure for this plan is done in accordance with a defined contribution plan due to the following reasons: Legal Aid SA is not the only member of the Pension Fund and the liability exposure and the assets cannot be separated from the other members' liability and assets.

Group Life risk cover

Legal Aid SA contributes to a Group Life scheme on behalf of its employees and is not exposed to any actuarial or investment risk of the fund. As the contributions made are those of the employees from guaranteed remuneration, the contributions paid are expensed as remuneration.

	March 2022	March 2021
The amounts recognised in the Statement of Financial Position are as follows:		
Carrying value		
Post-retirement benefit March 2022	(945,308)	(1,396,015)
Changes in the present value of the defined benefit obligation are as follows:		
Opening balance	1,396,015	1,408,492
Net expense recognised in the Statement of Financial Performance	(450,707)	(12,477)
	945,308	**1,396,015**
Net expense recognised in the Statement of Financial Performance		
Interest cost	117,659	143,625
Actuarial (gains) losses	(354,284)	81,522
Benefits paid	(214,082)	(237,624)
	(450,707)	**(12,477)**
Calculation of actuarial gains and losses		
Actuarial (gains) losses – obligation	(354,284)	81,522

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

10. EMPLOYEE BENEFIT OBLIGATIONS

	March 2022	March 2021
Key assumptions used		
Assumptions used at the reporting date:		
Discount rate	9.35%	9.11%
General inflation	6.25%	5.64%
Healthcare inflation	7.75%	7.14%
Healthcare inflation premium	1.50%	1.50%

Other assumptions

Assumed healthcare cost trends rates have a significant effect on the amounts recognised in surplus or deficit. A one percentage point change in assumed healthcare cost trends rates would have the following effects:

	March 2022	March 2021
	One Percentage Point Increase	One Percentage Point Decrease
Discount rate cost/(saving)	909,833	983,631
Healthcare/(savings)	983,489	909,003
Mortality age rating cost/(saving)	888,141	1,005,166

Amounts for the current and previous four years are as follows:

	2022 R	2021 R	2020 R	2019 R	2018 R
Defined benefit obligation	945,308	1,396,015	1,408,492	1,468,998	1,045,517

11. PAYABLES FROM EXCHANGE TRANSACTIONS

	March 2022	March 2021
Trade payables	74,180	270,899
Bonus pay benefits (13th cheque)	32,794,131	33,595,408
Leave pay benefits	46,033,194	49,114,154
Accruals	4,795,985	2,327,584
Sundry creditors	30,385,671	36,450,258
	114,083,161	**121,758,303**

The trade payables amount includes accruals for goods received which were not receipted on the system by the end of the period. This represents invoices not paid as at end of 31 March 2022.

Maturity analysis of trade and other payables from exchange transactions

	March 2022	March 2021
<1 year	109,599,282	118,836,322
1-2 years	4,483,879	2,921,980
	114,083,161	**121,758,302**

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

12. PROVISIONS

Reconciliation of provisions – 2022

	Opening balance	Additions	Utilised during the year	Reversed during the year	Total
Judicare	69,982,828	63,451,507	(64,989,898)	-	68,444,437
Provision for incentive payments	33,632,870	107,240,582	(50,864,567)	-	90,008,885
Provision for SARS	2,734,184	-	-	(2,734,184)	-
Corporate litigation	(1,594,618)	-	-	1,594,618	-
Impact litigation	-	1,432,937	-	-	1,432,937
	107,944,500	**172,125,026**	**(115,854,465)**	**(4,328,802)**	**159,886,259**

Reconciliation of provisions – 2021

	Opening balance	Utilised during the year	Additions/ Reversed during the year	Total
Judicare	77,682,700	(56,525,987)	48,826,115	69,982,828
Provision for incentive payments	59,589,351	(48,732,147)	22,775,666	33,632,870
Provision for SARS	2,338,993	-	395,191	2,734,184
Corporate litigation	1,745,198	-	(150,580)	1,594,618
	141,356,242	(105,258,134)	71,846,392	107,944,500

Judicare

Legal Aid SA instructs independent legal practitioners where it believes that the interests of the client are best handled in this manner. These practitioners are paid according to a tariff set by Legal Aid SA from time to time. A consequence of the nature of court cases is that while an estimate can be made of the cost of cases based on historical experience, the actual payments may vary. In addition, the length of time taken to complete cases often varies; in general, payment is only made on completion of a case.

Gross claims incurred comprise all claims arising from events that have occurred in the period and for which Legal Aid SA is responsible, whether or not reported by the end of the period.

Net claims incurred comprise:

- claims submitted and accrued for services rendered during the period net of recoveries; and
- claims for services rendered during the previous period not included in the outstanding claims provision for that period, net of recoveries.

Outstanding claims provision

The method used is based on reviewing actual payments for matters over a minimum period of five financial years and adjusting all payments made during this period to their present day value. We thereafter determine the percentage of case activities that is completed per month for each matter and/or court type, up to a maximum of 36 months. This information is then used to determine the provision amount for each pending matter based on its age and the cost per case of the matter.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

Changes in assumptions and sensitivities to changes in key variables

All assumptions are based on actual claims experience in determining the outstanding claims provision. Due to the nature of the provision, no material change is expected in any assumptions made.

Legal Aid SA believes that the liability for claims reported in the Statement of Financial Position is adequate. However, it recognises that the process of estimation is based upon variable factors and assumptions which could differ when claims arise. A retrospective review of actual claims experience is performed monthly to determine the accuracy of the outstanding claims provision. Due to this, the impact of a change in the key variables is not considered to be significant and no further sensitivity analysis is provided.

Incentive payments

An incentive payment is payable to employees during August each year based on their individual performance as well as that of the organisation as a whole.

Litigation

Legal Aid SA, by the nature of its activities, has at any time a number of legal matters in process. The cost of these, as well as the possible effect of any outcome, is provided for in the year in which the cause of action arises. No certainty exists as to the timing of when these amounts will be paid.

13. FINANCE LEASE OBLIGATION

	March 2022	March 2021
Minimum lease payments due		
- within 1 year	80,057	348,620
- in 2nd to 5th year inclusive	-	80,057
	80,057	428,677
less: future finance charges	-	(24,231)
Present value of minimum lease payments	**80,057**	**404,446**
Present value of minimum lease payments due		
- within 1 year	80,057	328,301
- in 2nd to 5th year inclusive	-	76,145
	80,057	**404,446**
Non-current liabilities	-	76,145
Current liabilities	80,056	328,301
	80,056	**404,446**

14. CLIENT TRUST FUND

	March 2022	March 2021
Client trust funds	55,827,063	56,726,471

These constitute amounts received from estate lates and settlements reached in civil matters. These amounts are payable to recipients based on court settlement orders.

The corresponding asset for the client trust liability. Refer to note 9.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

Client trust reconciliation

	March 2022	March 2021
Client trust funds	55,827,063	56,726,471

15. INVESTMENT REVENUE

Interest revenue

	March 2022	March 2021
Bank	27,148,001	24,005,694

16. OTHER INCOME

	March 2022	March 2021
Commission on garnishee order and benefit to Legal Aid SA	22,554	17,216
Sundry income	8,651,867	8,976,213
	8,674,421	**8,993,429**

Sundry income mainly comprises of legal costs recovered and Trust admin fees.

17. GAIN/LOSS ON SALES OF ASSETS

	March 2022	March 2021
Gain or loss on disposal of assets and liabilities	1,755,240	441,013

18. GOVERNMENT GRANTS AND SUBSIDIES

	March 2022	March 2021
Operating grants		
Unconditional Government baseline allocation	2,022,188,000	1,958,883,000
Service in-kind	1,145,580	1,117,740
Land Rights Management grant	33,000,000	-
Specialised Commercial Crimes Court	11,000,000	-
	2,067,333,580	**1,960,000,740**

An additional grant received by Legal Aid SA amounting to R33,000,000 relates to the Land Rights Management Unit, received from the Department of Agriculture, Land Reform and Rural Development.

The amount of R11,000,000 relates to the establishment of the Specialised Commercial Crimes Court Unit.

Legal Aid SA recognised services in-kind relating to office accommodation in Mitchells Plain, Polokwane, Kuruman and Nelspruit. The Department of Justice and Constitutional Development offered Legal Aid SA office space in their court buildings.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

19. REVENUE

	March 2022	March 2021
Other income	8,674,421	8,993,429
Interest received – investment	27,148,001	24,005,694
Government grants and subsidies	2,066,188,000	1,958,883,000
Service in-kind – office rental	1,145,580	1,117,740
	2,103,156,002	**1,992,999,863**

The amount included in revenue arising from exchanges of goods or services are as follows:

Other income	8,674,421	8,993,429
Interest received – investment	27,148,001	24,005,694
	35,822,422	**32,999,123**

The amount included in revenue arising from non-exchange transactions is as follows:

Transfer revenue

Government grants and subsidies	2,066,188,000	1,958,883,000
Service in-kind – office rental	1,145,580	1,117,740
	2,067,333,580	**1,960,000,740**

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

20. EMPLOYEE RELATED COSTS

	2022 R	2021 R
Basic	1,285,689,453	1,224,100,606
Incentive bonus	107,240,582	22,775,665
Medical aid – company contributions	18,273,269	20,468,502
UIF	5,406,724	4,676,994
Leave pay provision charge	2,507,482	11,412,780
Overtime payments	29,808	117,426
Long-service awards	326,970	119,889
13th cheques	73,770,931	75,573,084
Car allowance	8,826,373	8,964,569
Housing benefits and allowances	20,791,876	21,870,137
Pension contributions	109,556,186	112,501,763
Insurance – Group Life	15,687,577	6,169,332
Other improved conditions of service	26,399	-
Telecom/phone allowance	6,162,250	5,772,500
	1,654,295,880	**1,514,523,247**

21. DEPRECIATION AND AMORTISATION

	2022 R	2021 R
Property, plant and equipment	21,828,362	27,246,763
Finance leases	294,671	655,788
Intangible assets	2,290,267	5,974,593
	24,413,300	**33,877,144**

22. DEBT IMPAIRMENT

	2022 R	2021 R
Impairments		
Receivables from exchange transactions	331,936	1,458,670

23. FINANCE COSTS

	2022 R	2021 R
Finance costs	142,025	601,130

Finance costs relate to finance charges for cellphones and actuarial valuation on defined benefits.

24. ADMINISTRATIVE

	2022 R	2021 R
Co-operation and Agency Agreements	7,471,526	8,329,485
Strategic litigation	2,947,048	2,272,138
Judicare	83,816,829	67,688,832
Civil disbursements	6,820,739	3,110,806
	101,056,142	**81,401,261**

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

25. OPERATING EXPENSES

	2022 R	2021 R
Advertising	2,048,694	1,349,160
Auditors' remuneration	4,194,097	4,208,248
Board fees	1,034,648	947,267
Cleaning	10,440,380	10,366,704
Communication	1,355,293	1,561,566
Computer expenses	8,809,507	9,005,836
Consulting and professional fees	(1,339,326)	567,693
Document exchange	4,520	927,245
Education and training	1,779,922	773,948
Health and safety – COVID-19	2,038,195	2,715,963
IT expenses	641,702	77,097
Insurance	6,735,140	6,321,388
Library and publications	2,285,823	3,776,645
Maintenance – buildings	834,156	1,370,058
Maintenance – office equipment	2,298,482	2,804,295
Management fees	235,962	463,569
Municipal services	15,407,685	13,401,864
Office rental – satellite	9,194,597	9,087,672
Other expenses	6,009,242	6,665,838
Postage and courier	1,144,362	729,625
Printing and stationery	3,824,122	4,219,572
Recruitment	1,089,385	1,812,119
Refreshments	354,558	316,193
Security costs	2,316,278	2,351,721
Skills development levy	1,415,837	911,536
Software maintenance	997,765	408,071
Storage costs	1,059,870	895,916
Office rental	44,948,427	45,273,198
Subscriptions and membership fees	3,863,145	3,555,624
Telephone and fax	11,370,251	11,465,691
Tools and equipment	356,345	1,008,410
Tourism development	1,316,727	767,463
Travelling and subsistence	1,605,918	725,930
Vehicle – fuel	9,837,892	5,954,407
Vehicle – maintenance	3,509,488	3,444,956
Vehicle tracking	1,419,670	1,186,982
Wide Area Network	21,800,638	23,591,081
Workmen's Compensation	1,418,504	1,527,301
Workshops	176,871	135,926
	187,834,772	**186,673,778**

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

26. CASH GENERATED FROM OPERATIONS

	2022 R	2021 R
Surplus	136,837,187	174,905,646
Adjustments for:		
Depreciation and amortisation	24,413,300	33,877,144
Loss/(gains) on sale of assets	(1,755,240)	(441,013)
Movement on impairment of assets	331,936	-
Movements in retirement benefit liabilities	(450,707)	(12,477)
Movements in provisions	51,941,759	(33,411,742)
Bad debts written off	1,073,079	431,100
Changes in working capital:		
Receivables from exchange transactions	(32,029,498)	(335,442)
Prepayments	-	15,655,434
Deposits	(27,843)	(42,731)
Payables from exchange transactions	(7,675,142)	14,184,017
	172,658,831	**204,809,936**

27. CHANGES IN ESTIMATES

In the current period, Management has re-assessed the useful lives of property, plant and equipment (Computer hardware, Leasehold improvements, Furniture and equipment as well as Building improvements) as it had been determined that the assets could be used for a longer period in line with the cost containment measures applied in the organisation. The effect of the change in accounting estimate has resulted in a decrease in depreciation charge of R6,046,300 for the current period. The effect on future periods could not be reasonably determined.

28. FINANCIAL INSTRUMENTS DISCLOSURE

Categories of financial instruments

Financial assets - 2022

	At Amortised Cost	Total
Cash and cash equivalents	703,088,371	703,088,371
Receivables from exchange transactions	36,233,096	36,233,096
Deposits	1,736,548	1,736,548
Client trust account	55,827,063	55,827,063
	796,885,078	**796,885,078**

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

28. FINANCIAL INSTRUMENTS DISCLOSURE (CONTINUED)

	2022 R	2021 R

Financial liabilities - 2022

	At Amortised Cost	Total
Trade payables from exchange transactions	114,083,161	114,083,161
Finance lease obligation	80,056	80,056
Client trust account	55,827,063	55,827,063
	169,990,280	**169,990,280**

Financial assets - 2021

	At Amortised Cost	Total
Cash and cash equivalents	573,970,277	573,970,277
Receivables from exchange transactions	5,608,613	5,608,613
Deposits	1,708,705	1,708,705
Client trust account	56,726,471	56,726,471
	638,014,066	**638,014,066**

Financial liabilities - 2021

	At Amortised Cost	Total
Trade payables from exchange transactions	121,758,303	121,758,303
Finance lease obligation	328,301	328,301
Client trust account	56,726,471	56,726,471
	178,813,075	**178,813,075**

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

29. COMMITMENTS

Authorised operational expenditure

Already contracted for but not provided for

	2022 R	2021 R
Judicare	59,026,028	47,863,040
Suppliers' orders	13,980,633	39,704,387
Strategic Litigation	9,173,243	-
	82,179,904	**87,567,427**

Total operational commitments

	2022 R	2021 R
Already contracted for but not provided for	82,179,904	87,567,427

Total commitments

	2022 R	2021 R
Authorised operational expenditure	82,179,904	87,567,427

Judicare – committed expenditure related to the estimated value of instructions issued before year end where no accounts have been received.

Suppliers' orders – Legal Aid SA placed orders with suppliers before year end and the goods and services were not received on 31 March 2022. Included in the commitments above is capital commitments approved and contracted.

Operating leases – as lessee (expense)

	2022 R	2021 R
Minimum lease payments due		
- within 1 year	43,690,203	49,345,607
- Later than 1 year and not later than 5 years	48,994,872	92,896,583
	92,685,075	**142,242,190**

Rental accommodation – Legal Aid SA leases office space from different landlords in all nine provinces. The various lease agreements provide for an escalation rate linked to the percentage increase. The majority of the leases are for a minimum of three years.

Minimum lease payments due – photocopiers

	2022 R	2021 R
Not later than 1 year	1,838,189	1,838,189
Later than 1 year and not later than 5 years	-	1,838,189
	1,838,189	**3,676,378**

Photocopiers – Legal Aid SA leases 159 photocopiers for all nine provinces. The lease agreements do not provide for escalation. The duration of the lease period is from 1 April 2020 to 31 March 2023.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

30. CONTINGENCIES

1. There are 10 (2022) and 10 (2021) claims that are covered by insurance (including five professional negligence matters).
2. There are five (2022) and six (2021) other general claims. For the current financial year there is an additional matter against Legal Aid SA amounting to 76 million rand.
3. The Public Sector Union's case with Government over non-implementation of the final year of the 2018 wage agreement will be heard by the Constitutional Court in August 2021. Legal Aid SA has set aside the amount to pay the COLI in the event that the Constitutional Court rules in favour of the labour unions.
4. The contingent liability relates to the transfer of the Land Rights Management Function from the DALRRD effective 1 January 2022. The transfer of the legal representation to Legal Aid SA is intended to close the service delivery gaps for key stakeholders and indigent clients.

List of contingencies

	2022 R	2021 R
1. Legal claims with insurance cover	1,800,000	2,200,000
2. Other legal claims with no insurance	81,307,024	2,896,680
3. Legal claim for COLI	-	60,744,970
4. Legal claim for Land Reform Management	144,686,671	-
	227,793,695	**65,841,650**

Surplus funds

In terms of section 53(3) of the PFMA, a public entity may not accumulate surplus funds without approval from the National Treasury. Approval will be requested from the National Treasury for surpluses for the year amounting to R138,459,221. If the approval is not granted, the entity will be liable to repay the surpluses amounting to R136,326,481.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

31. SURPLUS FUND LINKED TO ROLLOVERS

	2022 R	2021 R
Rollover funding		
Computer hardware and IT support	2,683,413	12,369,292
Computer software	2,606,910	4,473,575
Strategic Litigation	-	7,850,051
Signage and branding	14,260	67,245
Health and safety – COVID-19	-	110,882
Furniture and equipment	167,230	41,397
Leasehold improvements	21,315	567,716
Tools and equipment	80,126	84,096
Motor vehicles	7,449,205	13,491,487
Communication	147,609	105,059
Professional services	241,500	59,903
Storage costs	2,296	-
Expert witness	-	54,340
Printing and stationery	38,445	15,000
Maintenance – office equipment	83,174	202,871
Maintenance – buildings	55,565	211,473
Buildings improvements	389,585	-
	13,980,633	**39,704,387**

32. RELATED PARTIES

All the parties that have the ability to control or exercise significant influence over Legal Aid SA in making financial and operating decisions were considered to be related parties of the organisation. Legal Aid SA operates under the umbrella of the Department of Justice and Constitutional Development and the relevant Executive Authority is the Minister of Justice and Correctional Services. The following entities are considered to be related parties due to common control:

- National Prosecuting Authority
- Special Investigating Unit
- South African Human Rights Commission
- Public Protector
- Guardian's Fund
- President's Fund
- South African Board of Sheriffs
- Criminal Asset Recovery Account
- Council of Debt Collectors
- South African Law Reform Commission

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

Related party balances

	2022 R	2021 R
Trade payables – owing to Telkom		
Telkom – telecommunication account	587,145	725,381

Legal Aid SA had related party transactions with Telkom for telecommunication which had outstanding balances as at year end.

	2022 R	2021 R
Trade payable – owing to Compensation Fund Commissioner		
Compensation Fund	1,418,504	1,527,301

Included in the Statement of Financial Position is an amount payable to the Office of the Compensation Fund Commissioner for compensation of employees' injury on duty.

	2022 R	2021 R
Trade payable – owing to South African Revenue Service		
SARS – VAT on imported services	-	5,060,287
SARS – interest and penalties	-	2,734,183

Legal Aid SA pays monies to the Guardian's Fund

	2022 R	2021 R
Guardian's Fund – minor children	13,863,423	15,910,178

In administering deceased estates for minor children, Legal Aid SA pays all monies due to minor children from the estate of their deceased parents into the Guardian's Fund as per the requirements of section 43(6) of the Administration of Estates Act 66 of 1965.

Legal Aid SA receives services in-kind from Department of Justice and Constitutional Development

	2022 R	2021 R
Department of Justice and Constitutional Development	1,145,580	1,117,740

Legal Aid SA receives services in-kind for office accommodation in Mitchells Plain, Polokwane, Kuruman and Nelspruit that is offered by the Department of Justice and Constitutional Development in their court buildings.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

Management class: Non-executive members

2022

Name	Board Fees	Data Allowance	Travel Allowance	Total
Judge M Makume – Non-beneficial (Chairperson of Board & Board Executive Committee) -	-	-	-	-
Mr F Pandelani – Non-beneficial (DoJ&CD representative; Legal Services Committee & Remuneration Social and Ethics Committee member)	-	-	-	-
Ms M Naidoo – (Alternate member) (Remuneration Social and Ethics Committee member)	44,712			44,712
Ms T Mhlungu – (Alternate member) (Legal Services Committee & Audit Committee member)	52,002	6,000	-	58,002
Mr N Mvundlela – (Chairperson of Legal Services Committee & Board Exco member)	122,958	-	48,820	171,778
Mr M Leseilane – (Chairperson of Remuneration Social and Ethics Committee & Board Exco member)	106,920	6,000	29,995	142,915
Mr L Mtshali – (Legal Services Committee member)	75,087	6,000	-	81,087
Adv. M Odayan – (Legal Services Committee member)	75,087	-	-	75,087
Prof. W Gumede – (Audit Committee member)	72,651	6,000	-	78,651
Ms M Makgoba – (Chairperson of Audit Committee & Board Exco member)	104,004	-	-	104,004
Dr C Sanangura – (Remuneration Social and Ethics Committee member)	66,582	-	-	66,582
Ms R Serepong – (Co-opted member) (Remuneration Social and Ethics Committee member)	27,216	-	-	27,216
Prof. M Mokotong – (Co-opted member) (Legal Services Committee member)	40,095	6,000	-	46,095
Mr S Nkosi – (Co-opted member) (Audit Committee & Board Exco member)	41,553	-	-	41,553
Mr S Roopa – (Co-opted member) (Legal Services Committee member)	40,095	-	-	40,095
Ms L Fourie – (Co-opted member) (Remuneration Social and Ethics Committee member)	31,104	-	-	31,104
Ms L Francois – (Co-opted member) (Audit Committee member)	41,553	6,000	-	47,553
Dr M Tong – (Full Board member)	92,440	-	-	92,440
	1,034,059	**36,000**	**78,815**	**1,148,874**

2021

Names	Board fees	Total
Judge M Makume – Non-beneficial (Chairperson of Board & Board Executive Committee)	-	-
Adv. P du Rand – Non-beneficial (Legal Services Committee member)	-	-
Mr F Pandelani – Non-beneficial (DoJ representative; Legal Services Committee & Remuneration Social and Ethics Committee member)	-	-
Ms M Naidoo – (Alternate member) (Remuneration Social and Ethics Committee member)	34,992	34,992
Ms T Mhlungu – (Alternate member) (Legal Services Committee & Audit Committee member)	48,114	48,114
Mr N Mvundlela – (Chairperson of Legal Services Committee & Board Exco member)	143,917	143,917
Mr M Leseilane – (Chairperson of Remuneration Social and Ethics Committee & Board Exco member)	84,078	84,078
Mr L Mtshali – (Legal Services Committee member)	70,227	70,227
Ms A Chowan – (Chairperson of Audit Committee & Board Exco member)	59,778	59,778
Adv. M Odayan – (Legal Services Committee member)	86,751	86,751
Prof. W Gumede – (Audit Committee member)	78,003	78,003
Ms M Makgoba – (Chairperson of Audit Committee & Board Exco member)	75,330	75,330
Dr C Sanangura – (Remuneration Social and Ethics Committee member)	71,199	71,199
Ms R Serepong – (Co-opted member) (Remuneration Social and Ethics Committee member)	26,487	26,487
Prof. M Mokotong – (Co-opted member) (Legal Services Committee member)	34,020	34,020
Mr S Nkosi – (Co-opted member) (Audit Committee & Board Exco member)	43,497	43,497
Mr S Roopa – (Co-opted member) (Legal Services Committee member)	39,123	39,123
Ms L Fourie – (Co-opted member) (Remuneration Social and Ethics Committee member)	32,076	32,076
Ms L Francois – (Co-opted member) (Audit Committee member)	34,263	34,263
	961,855	**961,855**

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

Legal Aid SA received services in-kind from our non-beneficial Board members who execute Board duties without compensation, which is considered insignificant to the entity's operations.

Management class: Executive Management - 2022

Name	Annual remuneration	Incentive	Allowances	Other expenses	Total
Ms MJ Kola – Chief Executive Officer	1,514,400	240,709	887,188	16,093	2,658,390
Mr S Mamotheti – Chief Operations Officer	1,107,929	203,457	746,791	27,010	2,085,187
Ms P Mbingo – Chief Financial Officer	428,522	-	289,087	52,446	770,055
Mr R Baloyi – Human Resources Executive	1,068,139	108,378	231,412	142,238	1,550,167
Mr P Hundermark – Chief Legal Executive	1,392,481	220,940	417,512	214,807	2,245,740
Adv. B Nair – National Operations Executive	1,381,296	115,754	278,316	260,547	2,035,913
Mr MV Shabangu – Communication Executive	915,848	120,362	412,846	12,473	1,461,529
Mr TC Mbhense – Legal Executive: Land Rights Management	667,622	27,818	155,822	110,281	961,543
Mr V Mdaka – Provincial Executive KZN	1,150,796	139,066	247,574	155,184	1,692,620
Mr H Bambiso – Provincial Executive EC	1,203,112	88,137	248,586	151,889	1,691,724
Adv. W Lambley – Provincial Executive GP	911,038	140,235	627,698	13,378	1,692,349
Mr T Makamedi – Provincial Executive FS/NW	1,151,450	139,066	247,572	155,103	1,693,191
Ms M Kgabi – Provincial Executive L/MP	1,078,689	136,727	243,695	142,221	1,601,332
Mr HM Ndlangamandla – Internal Audit Executive	796,783	-	539,360	24,605	1,360,748
Ms M Monwa – Information Systems Executive	943,493	135,097	528,567	13,106	1,620,263
Ms N Jali – Provincial Executive NC/WC	1,117,459	134,142	241,563	147,956	1,641,120
Ms N Liphosa – Acting Chief Financial Officer	-	-	92,397	-	92,397
Ms TM Mofokeng – Chief Financial Officer	245,880	-	169,005	3,458	418,343
Mr VT Mtati – National Operations Executive	281,138	63,719	190,482	5,803	541,142
	17,356,075	**2,013,607**	**6,795,473**	**1,648,598**	**27,813,753**

2021

Name	Annual remuneration	Incentive	Allowances	Other expenses	Total
Ms V Vedalankar – Chief Executive Officer	-	148,300	464	-	148,764
Ms MJ Kola – Chief Executive Officer	1,492,021	-	852,583	6,799	2,351,403
Dr J Makokoane – Chief Operations Officer	-	224,741	156,067	381	381,189
Mr S Mamotheti – Chief Operations Officer	1,091,560	134,603	715,538	17,563	1,959,264
Ms R Hlabatau – Chief Financial Officer	199,975	203,570	186,069	27,210	616,824
Ms P Mbingo – Chief Financial Officer	422,189	-	276,390	7,574	706,153
Mr R Baloyi – Human Resources Executive	567,028	78,936	128,683	78,400	853,047
Mr P Hundermark – Chief Legal Executive	1,371,903	217,219	411,162	184,201	2,184,485
Adv. B Nair – National Operations Executive	1,371,903	331,544	309,005	174,057	2,186,509
Mr MV Shabangu – Communication Executive	902,313	115,499	386,706	5,042	1,409,560
Mr V Mdaka – Provincial Executive KZN	1,047,169	226,994	223,694	142,896	1,640,753
Mr H Bambiso – Provincial Executive EC	1,043,301	223,459	222,823	144,440	1,634,023
Adv. W Lambley – Provincial Executive GP	897,574	135,938	598,382	8,240	1,640,134
Mr T Makamedi – Provincial Executive FS/NW	1,047,169	224,514	223,694	144,906	1,640,283
Ms M Kgabi – Provincial Executive L/MP	1,027,885	218,952	231,519	130,406	1,608,762
Mr HM Ndlangamandla – Internal Audit Executive	392,504	-	255,585	8,912	657,001
Ms M Monwa – Information Systems Executive	855,200	201,055	498,867	5,149	1,560,271

Name	Annual remuneration	Incentive	Allowances	Other expenses	Total
Ms N Jali – Provincial Executive NC/WC	1,016,450	208,948	216,775	139,169	1,581,342
Ms N Liphosa – Acting Chief Financial Officer	-	-	116,573	-	116,573
Mr F Mokoena – Acting Internal Audit Executive	-	-	2,844	-	2,844
	14,746,144	**2,894,272**	**6,013,423**	**1,225,345**	**24,879,184**

33. RISK MANAGEMENT

Financial risk management

The entity's activities expose it to a variety of financial risks: market risk (including currency risk, fair value interest rate risk, cash flow interest rate risk and price risk), credit risk and liquidity risk.

Liquidity risk

The entity's risk to liquidity is a result of the funds available to cover future commitments. The entity manages liquidity risk through an ongoing review of future commitments. This risk is regarded as low considering Legal Aid SA's current funding structures and the management of available cash resources.

Credit risk

Credit risk arises mainly from receivables and cash and cash equivalents. Legal Aid SA's exposure to credit risk arises because of default of counterparties with maximum exposure equal to the carrying amount of these instruments. These risks are mitigated as follows:

a. Cash and cash equivalents are placed with high credit quality financial institutions, thus rendering the credit risk with regard to cash and cash equivalents limited.

b. Transactions are entered into with reputable institutions approved by the National Treasury.

c. With regard to accounts receivables, credit risk is limited by the fact that the organisation does not issue loans or raise debtors in its day-to-day business.

d. Legal Aid SA does not offer credit facilities to neither employees nor any other person, except where a debtor may be raised due to advances on travel and subsistence.

Credit risk consists mainly of cash deposits, cash equivalents and trade debtors. The entity only deposits cash with major banks with high quality credit standing and limits exposure to any one counterparty.

Financial assets exposed to credit risk at year end were as follows:

Financial instrument	2022 R	2021 R
Cash and cash equivalents	703,088,371	573,970,277
Receivables from exchange transactions	36,233,096	5,608,613
Deposits	1,736,548	1,708,705
Client trust account	55,827,063	56,726,471

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

Market risk

Interest rate risk

The organisation is exposed to interest rate risk in respect of returns on investments with financial institutions and interest payable on finance leases contracted with outside parties. The organisation's income and operating cash flows are substantially independent of changes in market interest rates. The organisation has no significant interest-bearing assets other than liquid cash.

Sensitivity analysis risk

Legal Aid SA's major source of revenue is a Government grant and to a lesser extent, interest income depending on cash equivalents held. A major expense is salaries which are fixed for the period under review.

Below is the recalculated financial assets and liabilities showing the effect of:

- A one percentage point decrease or increase in the current account interest rate.
- A one percentage point decrease or increase in the trade and other payables account interest rate.
- A one percentage point decrease or increase in the trade and other receivables account interest rate.

Method used

It is assumed that the deceased estates funds and the rental deposit interest rate trend have a significant effect on the amounts recognised in surplus or deficit. A one percentage point change in the assumed deceased estates funds and rental deposit interest rate would have the following effects:

	March 2022	1%	March 2021	1%
	(1%)		(1%)	
Cash and cash equivalents	(703,087,385)	(70,030,874)	(573,970,277)	5,739,703
Deposits	(1,736,548)	(17,365)	(1,708,705)	(17,087)
Client trust account	(55,827,063)	(558,271)	(56,726,471)	(567,265)
Trade receivables	(36,233,096)	(362,330)	(5,608,613)	(56,086)

34. GOING CONCERN

We draw attention to the fact that at 31 March 2022, the entity had an accumulated surplus of R701,608,276 and that the entity's assets exceed its total liabilities by R701,608,276.

The Annual Financial Statements have been prepared on the basis of accounting policies applicable to a going concern. This basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

The Accounting Authority reviewed Legal Aid SA's budgets and cash flow forecasts for the period under review. On the basis of this review, and in view of the organisation's current sound financial position, the Accounting Authority assesses the organisation's going concern in the year ahead. The Accounting Authority also considered the responsibility of the Minister of Justice and Correctional Services to fund the operations of the organisation as envisaged by the Legal Aid SA Act.

35. EVENTS AFTER THE REPORTING DATE

No material events were reported after the reporting date.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

36. FRUITLESS AND WASTEFUL EXPENDITURE

	2022 R	2021 R
Opening balance as previously reported	3,895	540
Opening balance	3,895	540
Add: Expenditure identified – current	26,549	20,101
Add: Expenditure identified – prior period	24,205	-
Less: Amount recovered – current year	(25,750)	(16,746)
Less: Amount recovered – prior year	(3,355)	-
Closing balance	**25,544**	**3,895**

Details of fruitless and wasteful expenditure:

	2022 R
In one (1) instance, use of Legal Aid SA property for private use: courier services	150
In two (2) instances, suppliers were overpaid	18,275
In two (2) instances, local office Judicare accounts were not properly reviewed	3,745
In one (1) instance, an employee lost an access card	100
In two (2) instances, local offices were charged penalties for late payment of a vehicle licence and disc	296
In one (1) instance, accommodation was booked but employee failed to check in	4,260
In one (1) instance, exams were paid for, but employee did not write exam	345
In two (2) instances, VAT was paid to a service provider in error	23,583
	50,754

Disciplinary steps taken/criminal proceedings/status

Twelve (12) incidents of financial misconduct which relate to fruitless and wasteful expenditure were reported for the period under review:

In three (3) instances, a written warning was issued.

In five (5) instances, a verbal warning was issued.

In one (1) instance, no action was taken as the employee resigned.

In one (1) instance, training and counselling was provided.

In two (2) instances, the disciplinary process is not yet finalised.

Recovery

Twelve (12) incidents of financial misconduct which relate to fruitless and wasteful expenditure were reported for the period under review:

In nine (9) instances, monies were recovered.

In three (3) instances, monies still need to be recovered.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

Details of fruitless and wasteful expenditure – 2021:

	2021 R
In one (1) instance, local offices were charged penalties for late payment of a vehicle licence	34
In two (2) instances, local offices were charged interest on municipality accounts	38
In three (3) instances, local offices paid VAT to a non-VAT registered supplier	20,029
	20,101

Disciplinary steps taken/criminal proceedings/status – 2021:

Six (6) incidents of financial misconduct which relate to fruitless and wasteful expenditure were reported for the year under review:

In four (4) instances, monies were recovered.

In two (2) instances, monies still need to be recovered.

37. IRREGULAR EXPENDITURE

	2022 R	2021 R
Opening balance as previously reported	10,981,836	9,272,909
Opening balance as restated	**10,981,836**	**9,272,909**
Add: Irregular expenditure relating to office rental – current	144,304	608,899
Add: Irregular expenditure related to office rental – prior period	-	850,050
Add: Irregular expenditure relating to good and services – current	408,989	185,555
Add: Irregular expenditure related to goods and services – prior period	696,342	64,423
Less: Amount condoned	(11,655,149)	-
Closing balance	**576,322**	**10,981,836**

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

Details of incidents/cases identified:

	2022 R
In one (1) instance, office leases were not signed due to non-responsive bids/procurement/ landlord not compliant	128,304
In one (1) instance, office leases without approved variations from National Treasury	16,000
In one (1) instance, a supplier was approved without three quotations and an approved deviation or were paid without a contract	33,662
In one (1) instance, the specification for procurement referred to brand names instead of product characteristics or performance requirement of the product	240,972
In two (2) instances, the contract variations were not approved by the National Treasury	302,622
In thirty-five (35) instances, the contract variations were not approved by the CEO	528,076
	1,249,636

Disciplinary steps taken/criminal proceedings

Forty-one (41) incidents of financial misconduct which relate to irregular expenditure were reported for the year under review:

In twenty (20) instances, written warnings were issued.

In sixteen (16) instances, verbal warnings were issued.

In two (2) instances, no employee was held responsible.

In two (2) instances, the employee is deceased and no action was taken.

In one (1) incident, no action was taken as the employee resigned.

Details of incidents/cases identified – 2021:

	2021 R
In two (2) instances, office leases were not signed due to non-responsive bids/procurement/ landlord not compliant	321,409
In three (3) instances, office leases were extended without approved variations from the National Treasury	1,137,540
In fifteen (15) instances, a supplier was approved without three quotations and an approved deviation or were paid without a contract	235,577
In one (1) instance, the minimum threshold for local content was not specified	2,642
In one (1) instance, the contract variation was not approved by the CEO	11,759
	1,708,927

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

Disciplinary steps taken/criminal proceedings – 2021

Twenty-two (22) incidents of financial misconduct which relate to irregular expenditure were reported for the year under review:

In five (5) instances, written warnings were issued.

In three (3) instances, verbal warnings were issued.

In ten (10) instances, the disciplinary processes are still underway.

In four (4) instances, there were no specific members who could be held responsible as these were due to challenges with non-responsive bids and delays in the procurement process.

38. BUDGET DIFFERENCES

Material differences between budget and actual amounts

The excess of actual expenditure under the final budget of 5% is acceptable.

Interest income

The 29% variance on interest is mainly due to a higher balance that is invested than what was anticipated at budget stage.

Finance costs

For the current financial year, finance costs were not budgeted for, hence 100% variance; the expenditure related to the interest paid on the finance leases and post-retirement medical aid actuarial valuation.

Administrative expenses

The 24% variance is as a result of less court attendance due to implemented COVID-19 mitigation measures before moving to Level 1 at the end of the third quarter.

Operating expenses

The 14% variance on other expenses is due to certain projects such as the purchase and maintenance of motor vehicles, computer software and hardware, tools and IT support that could not be finalised due to matters beyond the control of the organisation. A request to roll over the funds has been submitted.

Debt impairment

For the current financial year, debt impairment was not budgeted, hence 100% variance.

Grants received

The over collection of 3% as a result of a transfer of the Land Rights Management Unit to Legal Aid SA with a budget of R33 million and the new Specialised Commercial Crimes Court funding of R11 million.

Ramabitle v Nedbank Limited

Our client (the applicant) in a strategic litigation matter purchased a property in February 2006 through a Nedbank home loan, for R80,000.00. The loan was covered by a covering mortgage bond in favour of Nedbank. The property was registered in the applicant's name in March 2006. In January 2007, Nedbank issued summons against the applicant for payment of an amount of almost R85,000.00 allegedly owed by the applicant on the aforesaid mortgage bond. Nedbank alleges that when it issued summons, the applicant was 3.5 months in arrears in respect of monthly bond payments. The return of service indicates that the summons was served by affixing a copy thereof to the principal door on 26 February 2007. The applicant contends that she never saw the summons, thus no appearance to defend was entered by the applicant.

On 26 March 2007, the Registrar of the court granted default judgment against the applicant in the High Court, Pretoria at Nedbank's instance for payment of the sum of almost R85,000.00 together with a further order declaring the property executable for the sum of almost R85,000.00 together with costs. After having this judgment granted in its favour, Nedbank proceeded with the sale in execution.

There were two sales in execution:

In the first, in April 2007, the applicant received a letter from Nedbank advising that her house would be sold by way of auction at a sale in execution on 28 May 2007. She contacted Nedbank and was advised that she had to pay an amount of R4,000.00 to settle the arrears. The applicant was only able to raise a sum of R3,000.00 and paid it to Nedbank. The sale in execution was cancelled. The applicant avers that it was never brought to her attention that a judgment had been granted against her, and as a lay person she believed that paying the R3,000.00 duly dealt with the matter and she never sought legal advice.

A second sale in execution was held on 22 October 2007, after which the applicant's property was sold in execution to one N.A. Motshweni (now deceased). On 16 November 2012, the second respondent, an executrix from Standard Bank Ltd, being the executrix of the deceased's estate, was joined to the proceedings.

Considering the interaction between the applicant and Nedbank, the applicant thought that the matter was resolved and was unaware that Nedbank had proceeded with a second sale in execution on 22 October 2007. As a result of the understanding that the matter had been resolved, the applicant continued paying her R798.80 monthly bond payments without fail. She was never informed by the bank that her monthly instalment was inadequate.

There is no notice of sale in execution and returns of service filed on paper pertaining to the sale in execution held on 22 October 2007.

The applicant was only contacted in April 2011 by the deceased who informed her that he had purchased the property on auction. Only later in 2011 did the applicant learn that her house had been put on a second auction and that it was sold for an amount of R15,000.00. The applicant then approached Legal Aid SA for legal assistance.

In 2011, the deceased launched an application in the Magistrate's Court for the eviction of the applicant from the property. The eviction order was granted.

In presenting the argument, legal principles for rescission application were set out and considered by the Judge in the judgment. This is reflected in paragraphs 22 to 28 wherein Rules 31 and 42 of the Uniform Rules of Court and case law are discussed. On the merits of the case, it was contended as follows: (i) The monthly payments paid by the applicant to Nedbank, in respect of the mortgage bond, is reflected in a printout attached to the applicant's affidavit; (ii) The applicant contends that the terms and conditions of the sale in execution of her property caused her great harm because no reserve price was set; this resulted in the property being sold below market value for a mere R15,000.00; (iii) The conduct of Nedbank intended to leave the applicant and family homeless; (iv) The default judgment, including an order declaring the applicant's property specially executable was issued by the Registrar. It was submitted that no judicial oversight was exercised prior to the applicant's property being declared specially executable; (v) That it was unconstitutional for the Registrar to declare immovable property specially executable.

The application was filed out of the time prescribed by the Rules of Court and an application for condonation was launched.

The court held that condonation is granted; the default judgment granted on 26 March 2007 is declared unconstitutional; the default judgment granted on 26 March 2007 is rescinded and set aside; the warrant of execution issued by the Registrar on 27 March 2007 is set aside; the sale in execution held on 22 October 2007 for the applicant's property is set aside; the eviction application granted on 18 August 2011 is set aside, and the court directed that the property be transferred back to the applicant and Nedbank was ordered to pay the applicant's costs.

After the delivery of the judgment, the SLU prepared a bill of costs and a settlement was reached between the attorneys on the amount for legal costs to be paid by Nedbank to Legal Aid SA. This has already been paid. The bank has requested documentation from the applicant to effect the process of transfer of the property back to our client. This was an excellent outcome for our client.

PART G
CONTACT DETAILS

128 client-serving offices

National footprint of 135 offices

7 administration offices

6 provincial groupings

1. LEGAL AID SA NATIONAL OFFICE

29 De Beer Street

Braamfontein

Johannesburg

2017

South Africa

Private Bag X76

Braamfontein

2017

Docex 117, Johannesburg

Tel: +27 11 877 2000

Fax: +27 11 877 2222

Legal Aid Advice Line: 0800 110 110

Please Call Me number: 079 835 7179

Legal Aid SA Ethics Hotline: 0800 153 728

Website: www.legal-aid.co.za

NATIONAL OFFICE MANAGEMENT STRUCTURE AS AT 31 MARCH 2022

Name	Designation	Email Address
Judge Motsamai Makume	Board Chairperson	
Ms Mantiti Kola	Chief Executive Officer	MantitiK@legal-aid.co.za
Mr Sethopo Mamotheti	Chief Operations Officer	SethopoM@legal-aid.co.za
Ms Mpho Kgabi	Acting National Operations Executive	MphoK@legal-aid.co.za
Mr Patrick Hundermark	Chief Legal Executive	PatrickH@legal-aid.co.za
Mr Mthunzi Ndlangamandla	Internal Audit Executive	MthunziN@legal-aid.co.za
Ms Tintswalo M. Mofokeng	Chief Financial Officer	TintswaloMM@legal-aid.co.za
Mr Thabiso Mbhense	Legal Executive: Land Rights Management	ThabisoM1@legal-aid.co.za
Mr Richard Baloyi	Human Resources Executive	RichardBa@legal-aid.co.za
Ms Mmantsha Monwa	Information Systems Executive	MmantshaM@legal-aid.co.za
Mr Victor Shabangu	Communication Executive	VictorS@legal-aid.co.za

2. LEGAL AID SA PROVINCIAL MANAGEMENT

EASTERN CAPE PROVINCE

Mr Hope Bambiso
Eastern Cape Provincial Executive

Ms Pindiwe Kuzane
Aliwal North HoO

Mr Lunga Marenene
Butterworth HoO

Ms Tobeka Maqwati
East London HoO

Ms Sylvia Mlalandle-Magwentshu
Graaff-Reinet HoO

Ms Imkitha Salman-Beya
Grahamstown HoO

Mr Phumlani Dlamkile
King Williams Town HoO

Mr Mandla Mngaza
Mthatha HoO

Ms Lynette Franklin
Port Elizabeth HoO

Ms Yolundi Ngxola-Tshona
Queenstown HoO

Ms Wongiwe Makhenyane
Uitenhage HoO

FREE STATE/NORTH WEST PROVINCE

Mr Tshotlego Makamedi
Free State/North West Provincial Executive

Mr Puseletso Mokoena
Bethlehem HoO

Mr Machini Motloung
Bloemfontein HoO

Ms Melinda de Kock
Klerksdorp HoO

Ms Anele Tshapa
Kroonstad HoO

Ms Busiswa Matiwane
Lichtenburg HoO

Ms Victoria Maelisa Mophulane
Mafikeng HoO

Mr Tsepo Mosetlhe
Phuthaditjhaba HoO

Mr Moima Phakedi
Potchefstroom HoO

Ms Charmain Smit
Rustenburg HoO

Mr Aubrey Kunene
Vryburg HoO

Mr Muziwandile Nhlapo
Welkom HoO

GAUTENG PROVINCE

Adv. Wilna Lambley
Gauteng Provincial Executive

Mr Fhimani Tshivhase
Alexandra HoO

Ms Silindile Hlatshwayo
Benoni HoO

Mr Lungelo Mdletshe
Ga-Rankuwa HoO

Ms Aysha Gani
Germiston HoO

Ms Nokuphiwa Nguqu
Johannesburg HoO

Ms Nelisa Soji
Krugersdorp HoO

Ms Flavia Isola
Pretoria HoO

Mr Michael Ramaphosa
Soshanguve HoO

Mr Mmeli Motsepe
Soweto HoO

Adv. Elizabeth Nieuwoudt
Tembisa HoO

Mr Thami Manaba
Vereeniging HoO

KWAZULU-NATAL PROVINCE

Mr Vela Mdaka
KwaZulu-Natal Provincial Executive

Ms Nomsa Nkosi
Durban HoO

Ms Lungile Magoso
Empangeni HoO

Mr Sithembiso Khumalo
Ladysmith HoO

Ms Fathima Buckus
Newcastle HoO

Ms Lynn Holtshausen
Pietermaritzburg HoO

Mr Vis Nair
Pinetown HoO

Mr Roger Jasson
Port Shepstone HoO

Mr Mandla Ntobela
Umlazi HoO

Mr Sibuko Mashaba
Verulam HoO

Mr Mbulelo Makinyane
Vryheid HoO

CONTACT DETAILS

LIMPOPO/MPUMALANGA PROVINCE

Mr Ernest Mogashoa
Acting Limpopo/Mpumalanga Provincial Executive

Mr Mphile Ndzondo
Ermelo HoO

Mr Elton Makhadi
Makhado HoO

Ms Jacobeth Rampa
Middelburg HoO

Ms Onica Maponya
Modimolle HoO

Mr Sipho Ndhlovu
Nelspruit HoO

Mr Thabo Ledwaba
Polokwane HoO

Mr Thomas Madzaga
Thohoyandou HoO

Ms Tsakani Maluleke Sihlangu
Tzaneen HoO

Mr Evans Mabitsela
Witbank HoO

NORTHERN CAPE/WESTERN CAPE PROVINCE

Ms Nolitha Jali
Northern Cape/Western Cape Provincial Executive

Ms Nomawethu Mtebele
Athlone HoO

Ms Ronelle Arendse
Bellville HoO

Ms Netarie Verwey
Caledon HoO

Mr Elroy Machelm
Cape Town HoO

Ms Lerato Seretsi
Colesberg HoO

Ms Zukiswa Mavuso
George HoO

Mr Motsamai Tlisane
Kimberley HoO

Mr Renaat Bodart
Malmesbury HoO

Mr Shawn Flowers
Stellenbosch HoO

Ms Annemi Duursema-Joubert
Upington HoO

Mr Janus Roothman
Vredendal HoO

Ms Liezel du Toit
Worcester HoO

3. LEGAL AID SA LOCAL OFFICES AND SATELLITE OFFICES

EASTERN CAPE PROVINCE

Table 34a: Legal Aid SA Local Offices

Legal Aid SA Local Office	Head of Office	Physical Address	Telephone Number
EASTERN CAPE PROVINCE			
Aliwal North	Ms Pindiwe Kuzane	67 Somerset Street, Maletswai, 9750	051 633 2579
Butterworth	Mr Lunga Marenene	ECDC Building, 24 High Street, Butterworth, 4960	047 491 0006
East London	Ms Tobeka Maqwati	33 Fleet Street (Commissioner Street entrance), East London, 5200	043 704 4700
Graaff-Reinet	Ms Sylvia Mlalandle-Magwentshu	64 Church Street, Graaff-Reinet, 6280	049 807 2500
Grahamstown	Ms Imkitha Salman-Beya	69 High Street, Makhanda, 6140	046 622 9350
King Williams Town	Mr Phumlani Dlamkile	Old Mutual Building, 2nd Floor, corner Cathcart & Mclean Streets, Qonce, 5601	043 604 6600
Mthatha	Mr Mandla Mngaza	PRD Building, 96 Sutherland Street, Mthatha, 5099	047 501 4600
Port Elizabeth	Ms Lynette Franklin	1 Uitenhage Road, North End, Gqeberha, 6001	041 408 2800
Queenstown	Ms Yolundi Ngxola-Tshona	Jeantel Building, Erf 5273, 2 - 4 Shepstone Road, Komani, 5319	045 807 3500/045 839 3204
Uitenhage	Ms Wongiwe Makhenyane	32 - 36 Baird Street, Kariega, 6230	041 991 1811
Eastern Cape Provincial Office	Mr Hope Bambiso Provincial Executive	5 Mangold Street, Newtown Park, Gqeberha, 6001	041 363 8863

FREE STATE PROVINCE

NORTH WEST PROVINCE

Table 34a: Legal Aid SA Local Offices (continued)

Legal Aid SA Local Office	Head of Office	Physical Address	Telephone Number
FREE STATE PROVINCE			
Bethlehem	Mr Puseletso Mokoena	24 corner Commissioner & Naude Streets, Bethlehem, 9700	058 303 6824
Bloemfontein	Mr Machini Motloung	Fedsure Building, 4th Floor, 49 Charlotte Maxeke Street, Bloemfontein, 9301	051 447 9915
Botshabelo	Vacant	Re-A-Hola Shopping Complex, Shop No. 1, Botshabelo, 9781	051 534 4398
Kroonstad	Ms Anele Tshapa	99 Murray Street, Kroonstad, 9501	056 216 4800
Phuthaditjhaba	Mr Tsepo Mosetlhe	FDC Office Block E, corner Motloung & Setai Streets, Phuthaditjhaba, 9866	058 713 5000
Welkom	Mr Muziwandile Nhlapo	Archiquant Building, 8 Heeren Street, Welkom, 9460	057 357 2847
NORTH WEST PROVINCE			
Klerksdorp	Ms Melinda de Kock	19 Bram Fischer Street, Klerksdorp, 2570	018 464 3022/018 462 7020
Lichtenburg	Ms Busiswa Matiwane	25 Bantjes Street, Lichtenburg, 2740	018 632 7600
Mafikeng	Ms Victoria Maelisa Mophulane	Borekelong House, South Wing, Dr James Moroka Drive, Mafikeng, 2735	018 381 1096/0211/4582/4602/4605
Potchefstroom	Mr Moima Phakedi	Royal Building, 2nd Floor, 44 Dr James Moroka Street, Potchefstroom, 2531	018 293 0045
Rustenburg	Ms Charmain Smit	Albach Building, 122 Beyers Naude Drive, Rustenburg, 0299	014 592 3185/6
Vryburg	Mr Aubrey Kunene	71 Vry Street, Vryburg, 8601	053 927 0095/0142/0145
Free State/North West Provincial Office	Mr Tshotlego Makamedi Provincial Executive	Hydro Park Building, 100 Kellner Street, Westdene, Bloemfontein, 9301	051 412 8040/43

GAUTENG PROVINCE

Table 34a: Legal Aid SA Local Offices (continued)

Legal Aid SA Local Office	Head of Office	Physical Address	Telephone Number
GAUTENG PROVINCE			
Alexandra	Mr Fhimani Tshivhase	Ya Rona Building, 1st Floor, 89 Watt Avenue, Johannesburg, 2090	011 786 3603
Benoni	Ms Silindile Hlatshwayo	18 Howard Street, Benoni, 1501	011 845 4311
Ga-Rankuwa	Mr Lungelo Mdletshe	Direla Complex, 222 Main Street, Zone 15, Ga-Rankuwa Industrial, 0208	012 700 1416
Germiston	Ms Aysha Gani	United House, 2nd & 3rd Floor, 175 Meyer Street, corner Meyer & Library Streets, Germiston, 1401	011 842 7300
Johannesburg	Ms Nokuphiwa Nguqu	56 Main Street, Marshalltown, Johannesburg, 2000	011 870 1480
Krugersdorp	Ms Nelisa Soji	51 Burger Street, Krugersdorp, 1739	011 660 2335
Pretoria	Ms Flavia Isola	Locarno House, 4th Floor, 317 Francis Baard Street, Pretoria, 0001	012 304 0576
Soshanguve	Mr Michael Ramaphosa	Medicross Centre, Stand No. 2093, Block H, Soshanguve, 0152	012 797 2721
Soweto	Mr Mmeli Motsepe	Maponya Mall, Office 403 & 411A, Chris Hani Road, Klipspruit, 1809	011 938 3547
Tembisa	Adv. Elizabeth Nieuwoudt	Tembisa MegaMart Mall, Shop 42, Botswana Road (Olifantsfontein Road), Tswelopelo Section, Tembisa, 1632	011 316 0164
Vereeniging	Mr Thami Manaba	8 Jasmine Mansions, 28 Senator Marks Avenue, Vereeniging, 1938	016 421 3527
Gauteng Provincial Office	Adv. Wilna Lambley Provincial	Selborne Centre, 2nd Floor, 144 Cantonments Road, Lyttelton, Pretoria, 0157	012 664 2921

KWAZULU-NATAL PROVINCE

Table 34a: Legal Aid SA Local Offices (continued)

Legal Aid SA Local Office	Head of Office	Physical Address	Telephone Number
KWAZULU-NATAL PROVINCE			
Durban	Ms Nomsa Nkosi	The Marine Building, Ground Floor, 22 Dorothy Nyembe Street (formerly Gardiner Street), Durban, 4001	031 304 0100
Empangeni	Ms Lungile Magoso	Mazule House, 7 Maxwell Street, Empangeni, 3008	035 792 4949
Ladysmith	Mr Sthembiso Khumalo	65/67 Queen Street, Ladysmith, 3370	036 638 2500
Newcastle	Ms Fathima Buckus	65 Scott Street, Newcastle, 2940	034 328 7100
Pietermaritzburg	Ms Lynn Holtshausen	187 Hoosen Haffejee Street, Pietermaritzburg, 3201	033 394 2190
Pinetown	Mr Vis Nair	ABSA Building, 1st Floor, 1 Church Lane, Pinetown, 3600	031 719 2700
Port Shepstone	Mr Roger Jasson	MB Centre, 2nd Floor, 49 Aiken Street (opposite ABSA Bank), Port Shepstone, 4240	039 688 9600
Umlazi	Mr Mandla Ntobela	V1332/1333, Ithala Industrial Park, corner Mangosuthu Highway & Road 1902, Umlazi, 4089	031 942 1001
Verulam	Mr Sibuko Mashaba	Ayesha Razak Centre, Suite 1, 1st Floor, 23 Groom Street, KwaDukuza, 4340	032 533 2654
Vryheid	Mr Mbulelo Makinyane	116 Landrost Street, Vryheid, 3100	034 989 8300
KwaZulu-Natal Provincial Office	Mr Vela Mdaka Provincial Executive	Charter House, 7th Floor, corner Crompton & Union Streets, Pinetown, 3600	031 717 8450

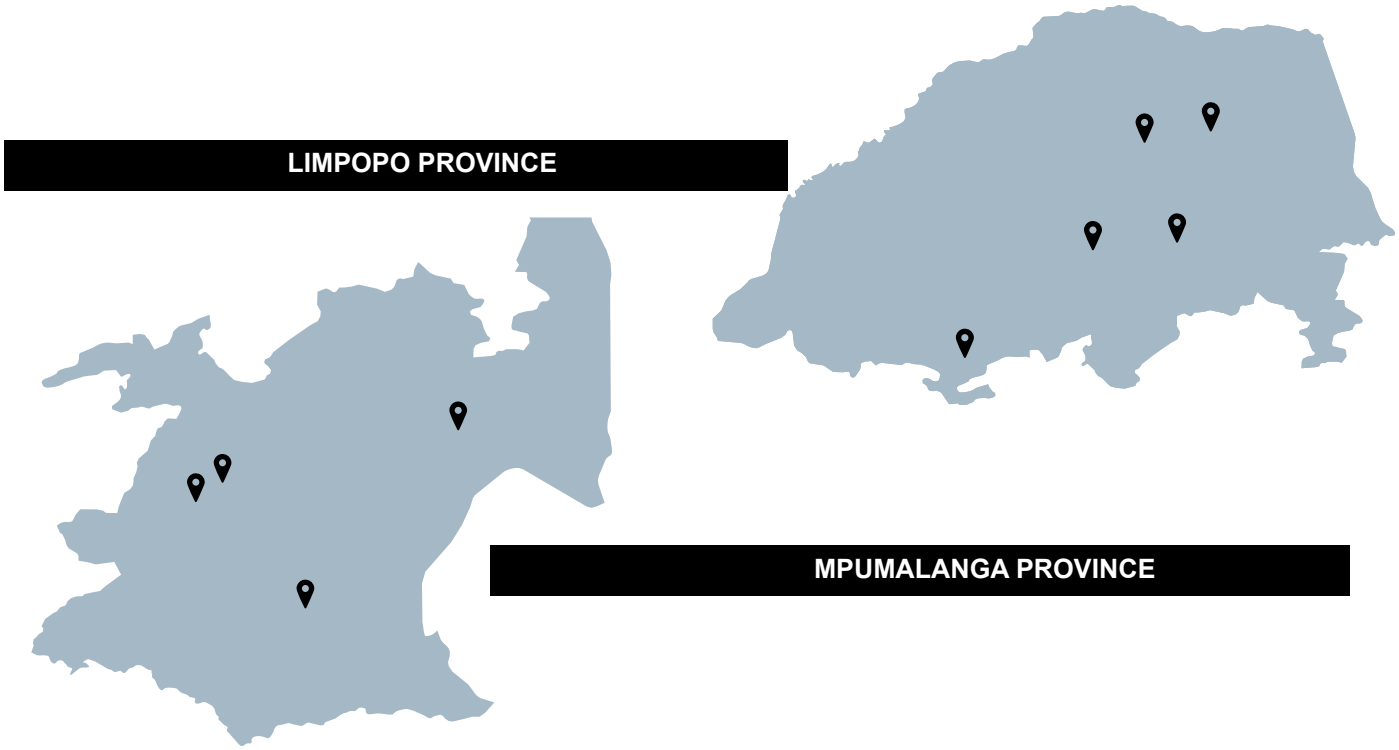


Table 34a: Legal Aid SA Local Offices (continued)

Legal Aid SA Local Office	Head of Office	Physical Address	Telephone Number
LIMPOPO PROVINCE			
Makhado	Mr Elton Makhadi	Noor Gardens, corner Krogh & Devenish Streets, Louis Trichardt, 0920	015 519 1100
Modimolle	Ms Onica Maponya	Nyl Sake Sentrum, Shop 8, 95 Nelson Mandela Drive, Modimolle, 0510	014 717 4977
Polokwane	Mr Thabo Ledwaba	Polokwane High Court, 3rd Floor, corner Bodenstein & Biccard Streets, Polokwane, 0700	015 291 2429
Thohoyandou	Mr Thomas Madzaga	Metropolitan Complex, Shop 2, Thohoyandou, 0950	015 962 6206
Tzaneen	Ms Tsakani Maluleke-Sihlangu	Tzaneen Crossing Mall, Office 220 - 237, corner Lydenburg & Skurving Streets, Tzaneen, 0850	015 307 3129
MPUMALANGA PROVINCE			
Ermelo	Mr Mphile Ndzondo	14 Joubert Street, Ermelo, 2350	017 819 7291
Middelburg	Ms Jacobeth Rampa	5A Laver Street, Middelburg, 1050	013 243 5964
Nelspruit	Mr Sipho Ndhlovu	Mpumalanga High Court Building, 3rd Floor, East Wing, Samora Machel Drive, Mbombela, 1200	013 756 4500
Witbank	Mr Evans Mabitsela	17 corner Northey & Botha Streets, eMalahleni, 1035	013 656 5290
Limpopo/ Mpumalanga Provincial Office	Mr Ernest Mogashoa Acting Provincial Executive	No. 3 Cormar Park Building, Rhodes Drift Avenue, Bendor, Polokwane, 0700	015 296 0117

NORTHERN CAPE

WESTERN CAPE PROVINCE

Table 34a: Legal Aid SA Local Offices (continued)

Legal Aid SA Local Office	Head of Office	Physical Address	Telephone Number
NORTHERN CAPE			
Colesberg	Ms Lerato Seretsi	8 Campbell Street, Colesberg, 9795	051 753 2281
Kimberley	Mr Motsamai Tlisane	Pretmax Building, 4 Sydney Street, Kimberley, 8301	053 832 2348
Upington	Ms Annemi Duursema-Joubert	11 Lutz Street, Upington, 8800	054 337 9200
WESTERN CAPE PROVINCE			
Athlone	Ms Nomawethu Mtebele	Melofin Centre, 2nd Floor, Old Klipfontein Road, Athlone, 7764	021 697 5252
Bellville	Ms Ronelle Arendse	Van Der Stel Building, 68 Durban Road, corner Voortrekker & Durban Roads, Bellville, 7535	021 949 3062
Caledon	Ms Netarie Verwey	22 Church Street, Caledon, 7230	028 212 1815
Cape Town	Mr Elroy Machelm	South African Reserve Bank Building, 3rd Floor, 60 St Georges Mall, Cape Town, 8001	021 426 4126
George	Ms Zukiswa Mavuso	Tommy Joubert Building, corner Craddock & Courtenay Streets, George, 6530	044 802 8600
Malmesbury	Mr Renaat Bodart	The Frank Building, 1st Floor, 47 Voortrekker Road, Malmesbury, 7300	022 482 1784
Stellenbosch	Mr Shawn Flowers	Eikestad Mall, Office 201, 2nd Floor, Bird Street, Stellenbosch, 7600	021 882 9221
Vredendal	Mr Janus Roothman	9 Dorp Street, Vredendal, 8160	027 201 1030
Worcester	Ms Liezel du Toit	WC Building, 1st Floor, corner High & Stockenstrom Streets, Worcester, 6850	023 348 4040
Northern Cape/ Western Cape Provincial Office	Ms Nolitha Jali Provincial Executive	Shiraz House, 2nd Floor, Trumali Road, Brandwacht Office Park, Stellenbosch, 7600	021 861 3000

GAUTENG PROVINCE

Table 34b: Legal Aid SA Satellite Offices

Legal Aid SA Local Office	Legal Aid SA Satellite Office	Physical Address	Telephone Number
Benoni	Nigel	Kruger and Okes, 23 Kingsway Street, Nigel, 1491	011 814 5159
Soweto	Westonaria	Elizabeth Centre, Shop 3, President Steyn Street, Westonaria, 1779	011 753 2604
Vereeniging	Heidelberg	Eslin Building, Portion 4, 24 Uekerman Street, Heidelberg, 1441	016 341 4430

LIMPOPO PROVINCE

Table 34b: Legal Aid SA Satellite Offices (continued)

Legal Aid SA Local Office	Legal Aid SA Satellite Office	Physical Address	Telephone Number
Makhado	Musina	Stand No. 2110, Nkhata Cresent Street, Nancefield Extension 5, Musina, 0900	015 533 1691
Modimolle	Lephalale	5 Herman Street, Lephalale, 0555	014 717 4977
Polokwane	Bochum	Shalas Complex, Block B2, Main Street, Senwabarwana, 0790	015 505 9031/2
	Lebowakgomo	Old Mutual Building, 1st Floor, Lebowakgomo, 0737	015 633 7636
	Mokopane	50 Rabe Street, Rayveen Complex, Mokopane, 0626	015 491 4461
Tzaneen	Giyani	Old Mutual Building, Ground Floor, Giyani Main Road, Giyani, 0826	015 812 3065
	Phalaborwa	Shop No. 4, 32 Wildevey Street, Phalaborwa, 1390	015 781 0960

KWAZULU-NATAL PROVINCE

Table 34b: Legal Aid SA Satellite Offices (continued)

Legal Aid SA Local Office	Legal Aid SA Satellite Office	Physical Address	Telephone Number
Empangeni	Ingwavuma	Kosibay Hot Chicken Complex, Shop No. 4, Skhemelele, 3968	035 591 0950
	Mkuze	Mkuze Plaza, Shop 22F, Old Main Road, Mkuze, 3974	035 573 1655
Ladysmith	Estcourt	Shop No. 1, 127 Albert Street, Estcourt, 3310	036 352 1997
Newcastle	Dundee	Unit 13, 56 Smith Street, Dundee, 3000	034 212 4460
Pietermaritzburg	Bulwer	Stavcom Building, Shop 5, Main Road, Bulwer, 3244	039 832 0515/6
	Greytown	Shop No. 1, 40 Bell Street, Greytown, 3250	033 417 2146
Port Shepstone	Ixopo	Shop No. 3, Margaret Street, Ixopo, 3276	039 834 9392
	Kokstad	29 Barker Street, Kokstad, 4700	039 727 5081
Umlazi	Umzinto	Hypersingh Centre, Office A11, corner Court & Textile Roads, Umzinto, 4200	031 942 1001
Verulam	Stanger	Stanger Mall, Suite 1, 55 King Shaka Street, Stanger, 4450	032 551 3740
Vryheid	Ulundi	Fairbreeze Office Park, Princess Magogo Street, Ulundi, 3838	035 870 0832

MPUMALANGA PROVINCE

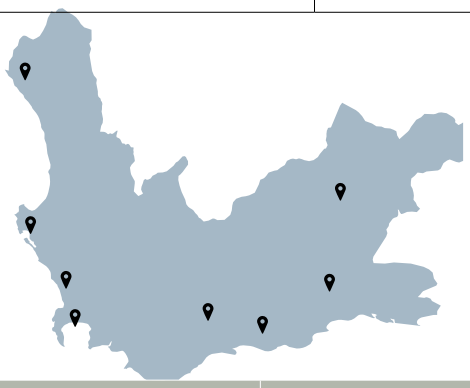
Table 34b: Legal Aid SA Satellite Offices (continued)

Legal Aid SA Local Office	Legal Aid SA Satellite Office	Physical Address	Telephone Number
Ermelo	Eerstehoek	88 Main Street, Nhlazatshe G, Elukwatini, 1192	017 883 7931
	Piet Retief	14 Kruger Street, Piet Retief, 2380	017 826 4567
	Standerton	14 Vry Street, Standerton, 2429	017 712 5928
Middelburg	Groblersdal	Eldoland Building, 7 Voortrekker Street, Groblersdal, 0470	013 262 4770/4769
	Siyabuswa	1664 A. Maqhawe Street, Siyabuswa, 0472	013 973 3963
Nelspruit	Burgersfort	Umshanti Building, Suite 2, Ground Floor, 83 Aloe Street, Aloe Ridge West, Burgersfort, 1150	013 231 7058
	Bushbuckridge	Protea Building, R40 Road, Bushbuckridge, 1280	013 799 1832
	Tonga	Stand 77, Tonga View	082 725 0729
Witbank	Kwa-Mhlanga	Erf 538/7, Kwa-Mhlanga, Bankview, 1022	013 947 3379
	Secunda	Old Mutual Building, 2nd Floor, Horwood Street, Secunda Complex, Secunda, 2302	017 634 8532

EASTERN CAPE PROVINCE

Table 34b: Legal Aid SA Satellite Offices (continued)

Legal Aid SA Local Office	Legal Aid SA Satellite Office	Physical Address	Telephone Number
Aliwal North	Sterkspruit	Site 99, Main Street, Sterkspruit, 9762	051 611 0348
Graaff-Reinet	Cradock	Market Square, Adderley Street, Cradock, 5880	048 881 4867
	Somerset East	Visser Centre, 12 Nojoli Street, Somerset East, 5850	042 243 0610
Grahamstown	Fort Beaufort	37 Henrietta Street, Fort Beaufort, 5720	046 645 2270
King Williams Town	Stutterheim	75 Hill Street, Stutterheim, 4930	043 683 2973
Mthatha	Bizana	129 Finn Property, Mayaba Street, Mbizana, 4800	039 251 0098
	Lusikisiki	Mlonzi Square, Jacaranda Street, Lusikisiki, 4820	039 253 1442
	Mount Frere	106 Chanca Street, KwaBhaca, 4870	039 255 1473
Port Elizabeth	Humansdorp	Tredalux Building, 23 Main Street (at the rear), Humansdorp, 6300	042 295 2794
Queenstown	Elliot	18 Market Street, Khowa, 5460	045 931 1984
Uitenhage	Kirkwood	32B John Street, Kirkwood, 6120	042 230 0713



WESTERN CAPE PROVINCE

Table 34b: Legal Aid SA Satellite Offices (continued)

Legal Aid SA Local Office	Legal Aid SA Satellite Office	Physical Address	Telephone Number
Athlone	Mitchells Plain	Mitchells Plain Court, Mitchells Plain, 7785	021 370 4220
Caledon	Swellendam	67 Voortrek Street, Swellendam, 6470	028 514 3026
George	Beaufort West	102 Bird Street, Beaufort West, 6970	023 415 1689
	Oudtshoorn	Allied Building, Room 302, 303 & 304, Kerk Street, Oudtshoorn, 6625	044 279 2255
	Riversdale	17 Heidelberg Road, Riversdale, 6670	028 713 4620
Malmesbury	Atlantis	Drosdy Centre, Wesfleur Circle, Atlantis, 7349	021 572 8522
	Vredenburg	Standard Bank Building, 1st Floor, 20 Main Street, Vredenburg, 7380	022 713 1006
Vredendal	Calvinia	20 Hantam Street, Calvinia, 8190	027 341 2240
	Springbok	Sten Centre, Office 4, 17 Van Riebeeck Street, Springbok, 8240	027 718 2449

NORTHERN CAPE PROVINCE

Table 34b: Legal Aid SA Satellite Offices (continued)

Legal Aid SA Local Office	Legal Aid SA Satellite Office	Physical Address	Telephone Number
Colesberg	De Aar	47 Church Street, De Aar, 7000	053 631 1950
	Victoria West	14 Church Street, Victoria West, 7070	053 621 0039
Kimberley	Hartswater	21 Tom Naude Street, Hartswater, 8570	053 474 0341
Upington	Kuruman	Mothibistad Magistrate's Court, 1269 Kgosi Mothibi Road, Mothibistad, 8460	053 712 3782
	Postmasburg	22 Boe Street, Postmasburg, 8420	053 313 3462
	Prieska	37 Main Street, Prieska, 8940	053 353 1184

NORTH WEST PROVINCE

Table 34b: Legal Aid SA Satellite Offices (continued)

Legal Aid SA Local Office	Legal Aid SA Satellite Office	Physical Address	Telephone Number
Klerksdorp	Wolmaransstad	Kruger Mall, 12 Kruger Street, Wolmaransstad, 2630	018 596 2775
Lichtenburg	Delareyville	49 Government Street, Delareyville, 2770	053 948 1092
Potchefstroom	Carletonville	49 A. van Zyl & Smit Streets, Oberholzer, 2502	018 787 2346

FREE STATE PROVINCE

Table 34b: Legal Aid SA Satellite Offices (continued)

Legal Aid SA Local Office	Legal Aid SA Satellite Office	Physical Address	Telephone Number
Bethlehem	Ficksburg	15 Erwee Street, Ficksburg, 9730	051 933 3061
	Frankfort	33 J.J. Hadebe Street, Frankfort, 9830	058 813 1624
Botshabelo	Ladybrand	30 Joubert Street, Ladybrand, 9745	051 924 0350
Phuthaditjhaba	Vrede	18A Ras Street, Vrede, 9835	058 913 3521

Legal Aid SA assisted a client with a labour review. They were charged and dismissed based on several allegations of misconduct levelled against them which included: (1) Displaying unprofessional behaviour towards fellow employees by shouting in front of working colleagues and members of the public; (2) Non-attendance of meetings called; (3) Unauthorised use of vehicles; (4) Intimidation of fellow employees. A disciplinary hearing was conducted in our client's absence as her request for a postponement was refused. Our client thereafter lodged an internal appeal, which was also unsuccessful. She declared a dispute with the Public Service Co-ordinating Bargaining Council (PSCBC) for unfair dismissal. The matter was arbitrated and the Arbitrator confirmed the dismissal. Legal Aid SA then assisted the client to take the decision of the PSCBC on review and the legal practitioner argued that the employer firstly failed to follow proper procedure to dismiss the employee as she was dismissed in absentia which offends the rules of natural justice and further, in terms of Resolution 1 of 2003 of the Collective Agreement of the PSCBC, the suggested sanction for the charges levelled against our client was either a warning or final written warning. The Court agreed that the Arbitrator's decision was unreasonable as it was not one that can be reached by a reasonable decisionmaker because the employee should have been given a warning. The award was reviewed with an order that our client be given a final written warning and be reinstated.

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