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**MINISTRY**

**JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 152**

**DATE OF QUESTION: 09 FEBRUARY 2023**

**DATE OF SUBMISSION: 23 FEBRUARY 2023**

**Mrs L F Tito (EFF) to ask the Minister of Justice and Correctional Services:** What are the relevant details of the measures that have been put in place to (a) monitor the progress of Legal Aid lawyers and (b) ensure that the board of Legal Aid South Africa executes their duties effectively and fairly?

**NW157E**

**REPLY:**

1. All Legal Aid South Africa’s practitioners are allocated a supervisor. The ratio of practitioners per supervisor is set at five (5) CLPs to a supervisor and nine (9) LPs to a supervisor. This ratio is reviewed on a continuous basis.

Legal Aid SA covers courts using a practitioner per court model, i.e. all practitioner are allocated to a specific court. Court coverage plans and staff deployment plans ensure that every practitioner can be accounted for at any given moment in time. The court coverage model makes it possible for the management team to obtain feedback directly from court stakeholders, on the performance of the practitioner allocated to each court.

All legal practitioners employed by Legal Aid SA have to conclude performance agreements annually, and their performance is reviewed formally, every six (6) months. The delivery of quality legal services to clients forms an important part of the performance agreement between the organisation and its legal practitioners.

Practitioners have to account for the work they performed on any given day, by completing a Matter Activity Report (MAR), which is captured on the case management system called eLAA (Electronic Legal Aid Administration system). The MAR will have details of all the cases dealt with by the practitioner on a given day, with the time spent on each activity.

The rate at which practitioners finalise matters is carefully monitored, as is their pending caseloads. This ensures that practitioners do not build up a backlog of cases, that may potentially compromise the quality of the services delivered.

Legal Aid SA has established a Legal Quality assurance unit that operates independently of the Criminal and Civil Legal services delivery departments. The unit falls under the Internal Audit Department and reports directly to the Board of Legal Aid SA on the quality of the legal services that they audit at each office as per the Legal Quality Assurance Unit Audit Plan. Only five (5) candidate LPs and three (3) legal practitioners failed to meet their quality targets in the last financial year (2021/2022).

Qualified legal practitioners are required to complete between 12 and 18 hours of training per year, depending on the level of support required by them.

Legal Aid SA offers a number of mechanisms through which clients can register complaints against a practitioner, and these complaints are fully investigated. In addition to the traditional methods, complaints can be lodged by e-mail, through the website, or using various social media platforms.

There is a dedicated independent ethics hotline, where all incidents of unethical or unprofessional conduct can be reported.

1. The Board of Legal Aid SA, on an annual basis, approves and follows a programme that stipulates the dates of the meetings throughout the calendar year and also identifies what projects of the organisation would be prioritised at each meeting.

The Board has established Board Committees to which it delegates some of its responsibilities, namely:

1. Governance and Nominations Committee– focuses on the governance, nominations, strategic, risk governance, sustainability, cybersecurity and environmental issues impacting on Legal Aid SA.
2. Legal Services Committee – focuses on the core business of Legal Aid SA, i.e. legal services delivery.
3. Remuneration Social and Ethics Committee – focuses on the Social, Ethics, as well as the people issues at Legal Aid SA.
4. Audit Committee – focuses on integrated reporting process, the system of internal control, the audit process, and Legal Aid South Africa’s process for monitoring compliance with laws, regulations, voluntary codes, best practices and the code of conduct.

In terms of the Legal Aid SA Act No. 39 of 2014, the Board consists of fourteen (14) voting members, of which one (1) of them is the Shareholder Representative or Minister of Justice and Correctional Services’ Representative on the Board. His presence on the Board brings additional oversight for the Minister on Board activities.

In 2021/2022, the Board 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. The report was also shared with the Executive Authority.

Notwithstanding the above, the Board was able to perform its fiduciary responsibilities and continually appraise the Executive Authority on the strategic direction, financial position, the operations, the performance as well as the risk exposure of Legal Aid SA.