

Briefing to

NCOP Select Committee:
Security & Constitutional Affairs

Legal Aid Board Annual Report 2007/08

presented by
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Chairperson – Legal Aid Board
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CEO – Legal Aid Board

Overview of Presentation

Legal Aid Board Strategic Overview and Report on Performance 2007/08

Legal Aid Board: Strategic Overview
Legal Services Delivery
Finances
Human Resources
Governance, Risk and IT
Legal Aid Board Challenges
Overall Summary of Performance

The Legal Aid Board: Strategic Overview

Mandate

The Constitution of RSA

- ▶ Section 35(2) “Everyone who is detained, including every sentenced prisoner, has the right –
 - (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; ...”
 - (a) ...

- ▶ 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; ...”

- ▶ 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; ...”

Legal Aid Act (Act 22 of 1969)

Section 3 “The objects of the board shall be to render or make available legal aid to indigent persons and to provide legal representation at state expense as contemplated in the Constitution, ...”

Other legislation also provides for legal assistance at state expense

Legal Aid Board Independence

- ▶ The Legal Aid Board has been created as an independent body outside of government in terms of the Legal Aid Act
- ▶ The main reason for that is to ensure the separation between the prosecuting arm of government and the defence of those requiring state funded legal assistance
- ▶ In terms of the Legal Aid Act and the PFMA, the LAB is accountable to the Minister of Justice, as its executive authority, as well as to Parliament. This accountability is on overall strategy & policy matters as well as finances.
- ▶ In particular the Legal Aid Guide which determines the system by which legal aid is granted to individuals is approved by Parliament.
- ▶ On operational matters and on individual legal matters the LAB operates autonomously, reporting only to its Board of Directors, who are appointed in terms of the Legal Aid Act.
- ▶ This governance framework ensures independence as well as accountability.

Legal Aid Board Vision & Mission

VISION

A just South Africa in which the rights enshrined in our Constitution are promoted, respected, defended, protected and fulfilled to ensure justice for all.

MISSION

To be a leading provider of quality legal services ensuring effective access to justice for the poor and vulnerable, in an independent manner.

VALUES

Dedication and Commitment
Service Excellence and Professionalism
Respect for human dignity
Integrity
Efficiency and Effectiveness
Accountability
Empowerment

Strategic Direction in the next phase

Having outlined the strategic approach over the past years above we can summarise the current health status of the Legal Aid Board as...

- ▶ High performance and delivery of the Business Plan
- ▶ High level of compliance and governance
- ▶ Strong financial management and controls

Within this context the strategic priorities of the Legal Aid Board for this next phase are as follows:

- ▶ Taking performance to higher levels...
- ▶ Quality and more quality...
- ▶ A more risk based approach to performance...
- ▶ From compliance to business case to best business practice to excellence...
- ▶ Building the brand --- addressing quality and reputation...

Legal Aid Board Key Strategic Risks

External

- ▶ Policy change / uncertainty
- ▶ Occupation Specific Dispensation (OSD) for legal professionals
- ▶ Court efficiency and the integrity of the legal system
- ▶ Reputation Risk

External & Internal

- ▶ Organisational capacity and the ability to provide adequate coverage to clients
- ▶ Organisational sustainability
- ▶ Attraction and Retention of Specialist Skills

Internal

- ▶ Quality of legal services offered
- ▶ Unqualified audit opinion or any emphasis of matter
- ▶ Staff Safety
- ▶ Effectiveness of support programmes
- ▶ Reliance on IT systems
- ▶ Organisational Culture

External Risks

Strategic Risks

External Risks

Policy change / uncertainty

- ▶ Legislative and policy changes including unfunded mandates
- ▶ Possible budget cut-backs
- ▶ Delays in approval of Legal Aid Guide

Court efficiency and the integrity of the legal system

- ▶ Delays in justice system including delays in courts
- ▶ Ability of courts to efficiently deliver justice

OSD

- ▶ Delays in the process impacting negatively on staff morale

Reputation Risk

- ▶ Public Confidence
- ▶ Quality of Legal Aid Board lawyers
- ▶ Independence of Legal Aid Board lawyers
- ▶ Impact of judicare lawyers on our brand

External/Internal Risks

Organisational capacity and the ability to provide adequate coverage to clients

- A lack of consultation facilities and interpreters at courts and prisons
- Middle-management capacity
- Lack of specialist skills to deliver the mandate
- Inadequate capacity to meet legal assistance demands of clients and communities
- Legislation requiring legal aid assistance to be provided without funding being provided

Organisational sustainability

- Financial sustainability
- High turnover of legal staff
- HIV Aids
- Management expertise
- Court orders compelling the granting of legal aid.

Attraction and Retention of Specialist Skills

- Lack and or drain on specialist skills in all areas eg legal, IT, finance
- Unsustainable over-dependence on individuals

Internal Risks

Quality of legal services offered

- ▶ Caseloads and practitioner per court ration impacting on quality
- ▶ A lack of internal specialist capacity
- ▶ The perception that the Legal Aid Board is not independent of the State
- ▶ Increasing sophistication of NPA and SAPS to secure a successful prosecution
- ▶ Inability to match civil and criminal service requirements

Unqualified audit opinion or any emphasis of matter

- ▶ Management controls and financial management

Reliance on IT systems

- ▶ Business continuity and minimum disruption to business
- ▶ Disaster management

Staff Safety

- ▶ The safety of Legal Aid Board staff at courts and prisons and delivery points
- ▶ Work-related stress and burn out

Effectiveness of support programmes

- ▶ Non-payment of judicare accounts
- ▶ Internal communication
- ▶ Litigation against the Legal Aid Board
- ▶ Ability of IT systems to support processes

Organisational Culture

- ▶ Legal Aid Board staff believing in and striving to achieve vision
- ▶ Legal Aid Board staff living by organisational values

Legal Aid Board Strategies

priority indicated in red font

S1: Deliver quality legal services and promote the protection and defence of our Constitutional rights.

S2: Develop and maintain the human capital to support the delivery of quality services

S3: Develop & maintain the institutional capacity to support the delivery of quality legal services

Legal Aid Board Policy Environment

- ▶ Legal Aid Act sets Statutory Framework for Legal Aid
- ▶ Current Act over 30 years old – pre-dates Constitutional Democracy hence not aligned to final Constitution
- ▶ Requires a new Legal Aid Act
- ▶ Task Team Established by DOJ & Legal Aid Board
 - Policy Document prepared & submitted but feedback awaited
 - Framework for Bill approved by Board & submitted to DOJ
 - Second Draft of the Legal Aid Bill prepared by DOJ
- ▶ Legal Aid Guide
 - Section 3A of Legal Aid Act requires a LAG
 - Sets out particulars of Legal Aid Scheme
 - Must be submitted annually to Minister
 - Must be ratified by Parliament and NCOP
- ▶ Legal Aid Guide 2002 is the last LAG to be ratified
 - 5 Subsequent LAG's submitted but not ratified
 - 24 Circulars issued to update LAG
 - Plain Language Guide prepared & submitted in 2005
 - Plain Language Guide updated to deal with comments from Ministers advisors and to include further policy updates and re-submitted on 27 Feb 2008
 - Updated 2005 LAG (now called 2008 LAG) requires urgent ratification as first Plain Language Guide

Legal Aid Act

Legal Aid Guide

Legal Aid Board Report on Performance 2007/08

Legal Aid Board Report on Performance 2007/08

Legal Services Delivery 2007/08

Legal Services Delivery

2007/08 Strategic Priorities

- ▶ Improving the quality in legal services delivery
- ▶ Delivering a client centred legal aid service
- ▶ Improving stakeholder relations and increasing the profile of the Legal Aid Board
- ▶ Building an efficient justice system
- ▶ Increased awareness of citizen's rights to access to justice in terms of the Constitution

Legal Services Delivery

2007/08 Programme Achievements

- ▶ Legal Aid Board services made available at all criminal courts – Criminal court coverage maintained on a national basis
- ▶ Access to Legal Aid Board services increased as 396,068 new matters were recorded on the case load – new matters grew by 10% as compared to 2006/07
- ▶ Client focus improved with greater focus on reducing unrepresented clients going through the Criminal Justice System clients including linking with Awaiting Trial Prisoners.
- ▶ Client relationship management programme independently reviewed to ensure better effectiveness
- ▶ Quality assurance, intervention and monitoring programmes were refined and monitored
- ▶ Focus on better prepared legal practitioners – Court observation quality assessment introduced.
- ▶ Legal training enhanced knowledge and skills impacting positively on quality
- ▶ Precedent setting impact litigation funded.
- ▶ Stakeholder forums were convened in all provinces and regional stakeholders engaged on a call diary system.
- ▶ Increased representation on national and provincial steering committees established to improve justice system efficiency
- ▶ Public education campaign maintained including community meetings held across the country, annual newsletter distributed to 6 million households, educational material developed and distributed.
- ▶ Increased Legal Aid Board brand awareness confirmed once more through omnibus survey

Building an Efficient Justice System

- ▶ Participated in various Justice Cluster Initiatives
- ▶ **Criminal Justice Review**
 - Member of Research Team
 - Nominated members to Ministerial Review Team
 - Various Project Plans prepared
 - Consultants appointed to assist with research
 - First research report due on 30 June 2008
- ▶ **Case Backlog**
 - Member of Minister's Task Team & Operational Team
 - Rolled out to 27 Courts at present
 - Backlogs reduced by 6,9% nationally and by 16,2% at the 27 Backlog Courts
 - Further roll out being planned for 2008/2009
 - DOJ & NPA received R 45m & R 50m respectively
 - Received additional funding of R 16m from DOJ for 2007/2008
- ▶ **White Paper process**
 - Written submission made to White Paper on Transformation of Judiciary
- ▶ **Legal Services Charter**
 - Written Submission made
 - Participated in Focus Working Group
 - Final LSC presented to Minister in December 2007

Legal Aid Board Report on Performance 2007/08

Legal Services Delivery Information 2007/08

Justice Centres per province : 2007/08

REGIONAL OFFICES	PROVINCE	JUSTICE CENTRES	SATELLITE OFFICES	HIGH COURT UNITS
KwaZulu Natal/ Mpumulanga	KwaZulu Natal	10	6	2
	Mpumulanga	4	7	0
Eastern Cape/ Free State	Eastern Cape	10	10	4
	Free State	4	3	1
Western Cape/Northern Cape	Western Cape	7	9	1
	Northern Cape	3	3	1
	North West	5	2	1
Kopanong	Gauteng	9	4	2
	Limpopo	5	5	1
	North West	2	0	0
TOTAL SOUTH AFRICA		59	49	13

8 new Satellite Offices & 1 Justice Centre opened between in FY 2007/08

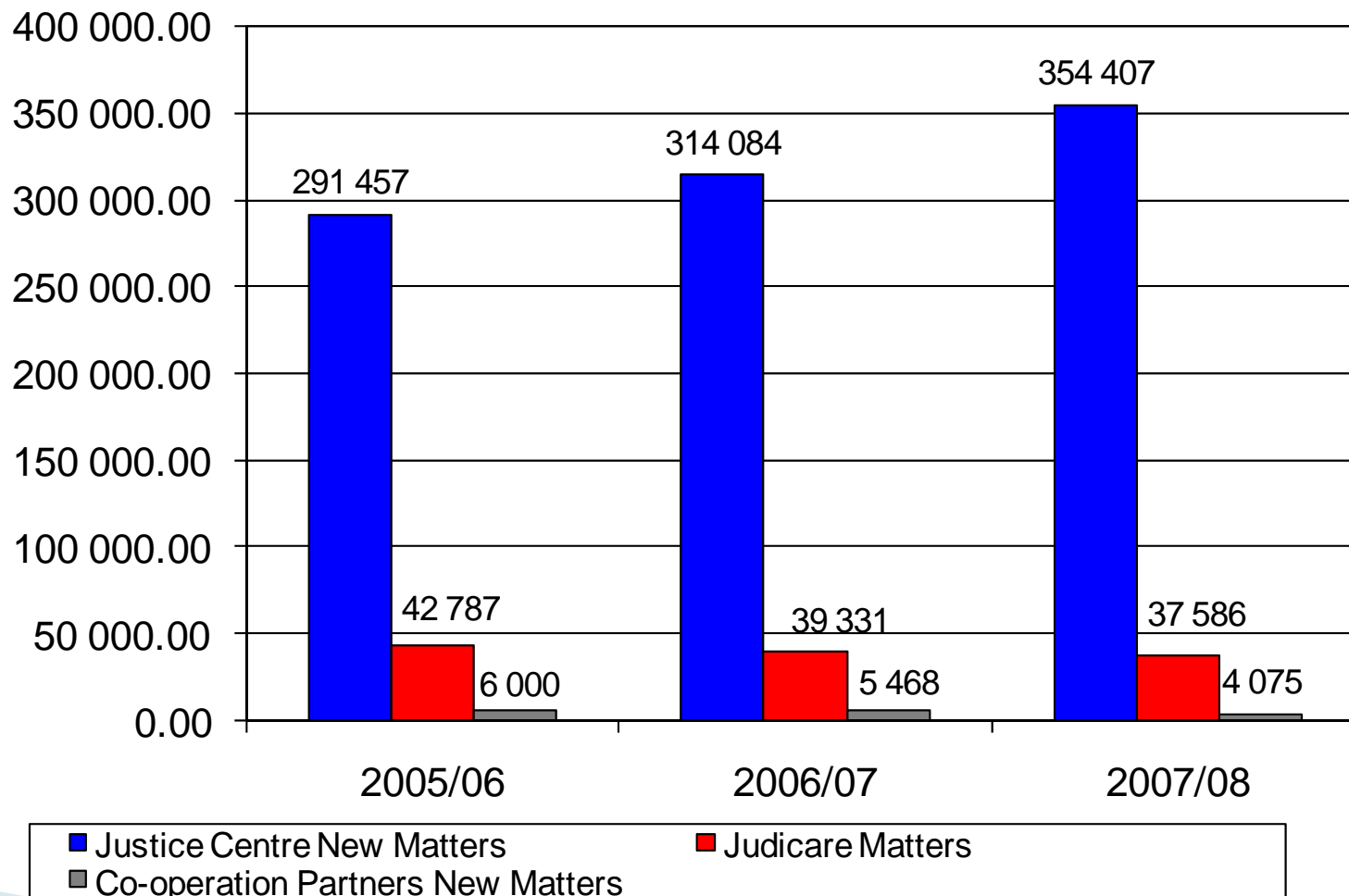
Staff per province : 2007/08

Province	#JCs	# Legal	# Non-Legal	# Total	%
Eastern Cape	10	269	66	335	15%
Free State	4	110	27	137	6%
Gauteng	9	350	78	428	19%
Limpopo	5	108	25	133	6%
North West	7	131	36	167	8%
KwaZulu Natal	10	287	69	356	16%
Mpumulanga	4	99	20	119	5%
Western Cape	7	253	63	316	14%
Northern Cape	3	53	14	67	3%
National Office		3	136	139	6%
Total Staff - Actual	59	1663	534	2197	100%
Total Staff - Budget		1789 (76%)	572 (24%)	2361	
% Recruited		93%	93%		
2006/07					
Total Staff - Actual	58	1489	464	1953	
Total Staff - Budget		1622	513	2135	
% Recruited		92%	90%		

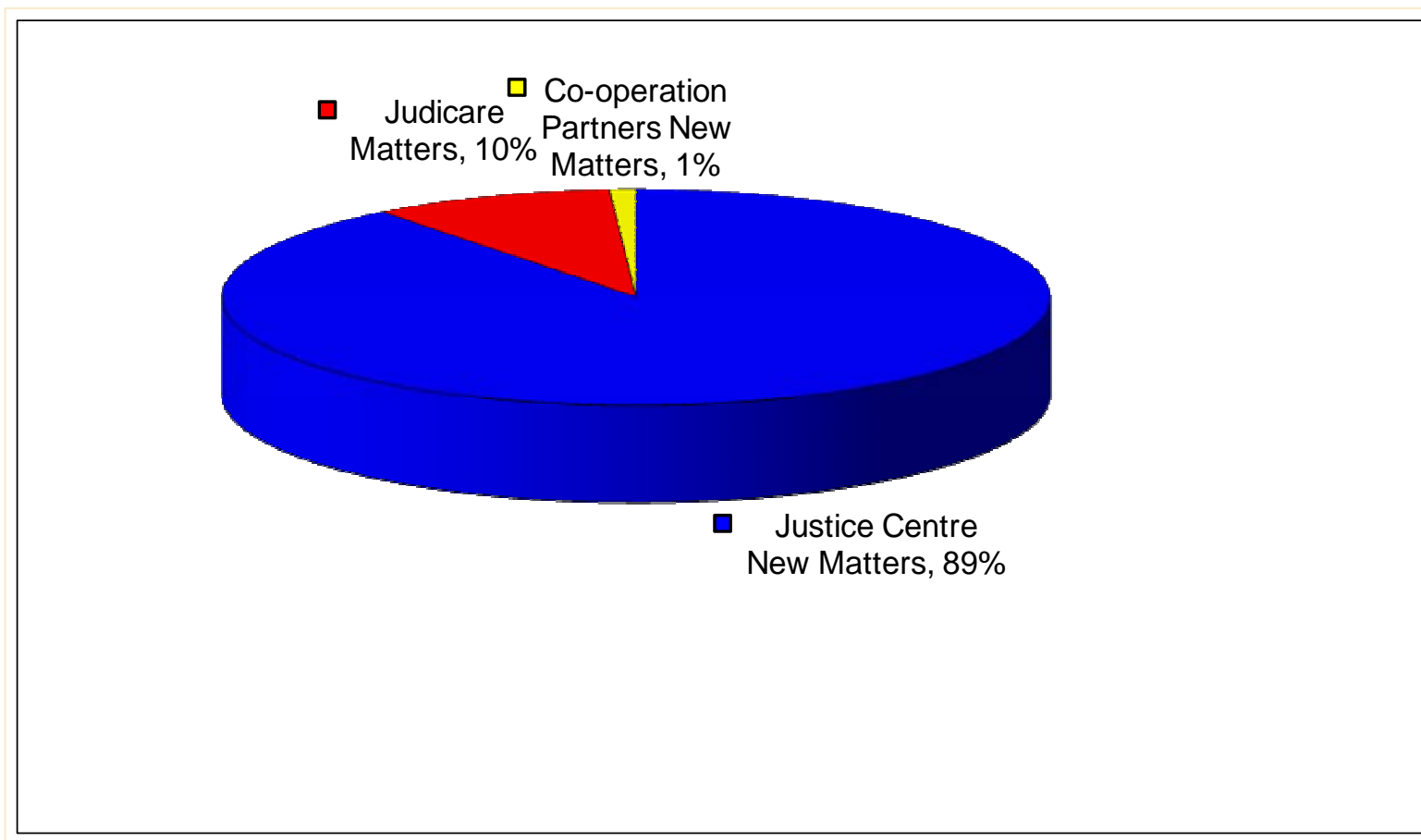
Total new legal matters per delivery system 2006/07 & 2007/08

Delivery System	2006/07		2007/08		% Var
	Number of new matters	%	Number of new matters	%	No of new matters
Justice Centre	314,084	87,5%	354,407	89,5%	12,84%
Judicare Matters	39,331	11,0%	37,586	9,5%	-4,4%
Co-operation Partners	5,468	1,5%	4,075	1,0%	-24,4%
Total	358,883	100%	396,068	100%	10,4%

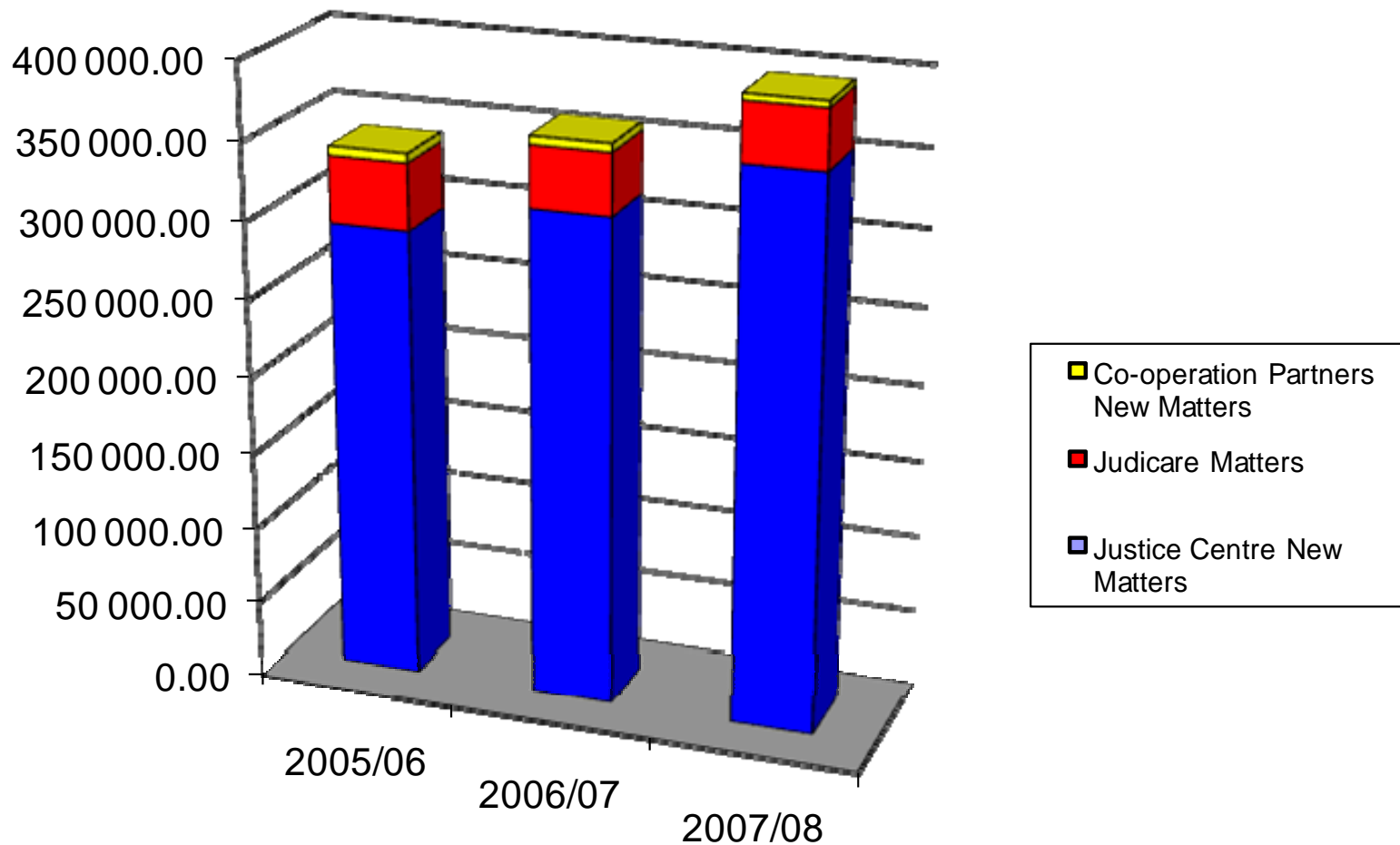
Total legal matters per delivery system 2005/06, 2006/07 & 2007/08



% of Legal matters per delivery system 2007/08



Mixed delivery system over the 3 years period



New legal matters per delivery system : Civil/Criminal 2007/08

Delivery System	Criminal	Civil	Total	%
Justice Centre New Matters	321,830	32,577	354,407	89%
Judicare New matters	33,949	3,637	37,586	9%
Co-operation Partner New matters	1,534	2,541	4,075	1%
TOTAL	357,313	38,755	396,068	100.0%
%	90%	10%		

Finalised legal matters per delivery system Civil/Criminal 2007/08

Finalised Matters per Delivery System	Criminal	Civil	Total	%
Justice Centre Finalised Matters	333,019	37,435	370,454	93%
Judicare Finalised matters	24,588	1,174	25,762	6%
Co-operation Partner Finalised matters	1,517	2,005	3,522	1%
TOTAL	359,124	40,614	399,738	100%
%	90%	10%		

Legal matters per delivery system 2007/08

Delivery System	New Matters	Finalised Matters	Pending Matters	Finalised matters as a % of new matters
Justice Centre Matters	354,407	370,454	119,434	105%
Judicare matters	37,586	25,762	115,320	69%
Co-operation Partner matters	4,075	3,522	3,413	85%
TOTAL	396,068	399,738	238,167	
%	90%	10%		

Legal matters per delivery system 2007/08

Matters Per Delivery System	Pending brought forward <small>(from previous year)</small>	New	Finalised	Pending carried forward <small>(to next year)</small>	Pending b/f + New as a % of Finalised + Pending c/f
Justice Centre Matters	135,481	354,407	370,454	119,434	100%
Judicare matters	99,662	37,586	25,762	111,486	100%
Co-operation Partner matters	2,860	4,075	3,522	3,413	101%
TOTAL	238,003	396,068	399,738	234,333	

New legal matters per delivery system per province : 2007/08

	JC	Judicare	Co-op Partner	Totals	%
Gauteng	72,421	7,800	2,184	82,405	21%
NW	23,124	2,198		25,322	6%
Limpopo	16,750	1,446		18,196	5%
EC	56,838	5,504	88	62,430	16%
FS	18,326	3,706	241	22,273	6%
WC	69,080	5,201	1,123	75,404	19%
NC	14,477	3,741		18,218	5%
KZN	64,898	5,613	170	70,681	18%
MP	18,493	2,377	269	21,139	5%
	354,407	37,586	4,075	396,068	100%

JC Legal matters per court type 2007/08

Matters Per Delivery System	New Number	New %	Finalised Number	Pending Number	Backlog cases number
District Courts	264,159	75%	271,253	74,593	14,044 (19%) (> 6 months)
Regional Courts	58,010	16%	62,377	25,997	3,252 (12.5%) (> 12 months)
High Courts	7,618	2%	7,060	4,048	1,040 (26%) (> 12 months)
Other courts	24,620	7%	29,764	14,796	
TOTAL	354,407	100%	370,454	119,434	

Legal Matters & Practitioners per court type 2007/08

MATTERS PER DELIVERY SYSTEM	New number	New %	Number of Legal Practitioners	% of Legal Practitioners
District Courts	264,159	75%	797	57%
Regional Courts	58,010	16%	412	29%
High Courts	7,618	2%	95	7%
Other courts	24,620	7%	117	7%
TOTAL	354,407	100%	1421	100%

Excludes legal managers

Legal Matters & Practitioners per court type 2007/08

Matters Per Delivery System	New number	New %	Number of CAs	Number of PAs	Number of Legal Managers	Total Legal Practitioners
District Courts	264,159	75%	639	158	114	911
Regional Courts	58,010	16%	0	412	30	442
High Courts	7,618	2%	0	95	60	155
Other courts	24,620	7%	13	104	13	130
TOTAL	354,407	100%	652	769	217	1638

Budgeted figures
Includes legal managers

Legal Matters by pleas (charges) per court type 2007/08

Type of court	Guilty	Plea Bargaining (Formal & Informal)	Total Charges
District Courts	110,744	8,794	316,996
Regional Courts	17,094	8,084	76,525
High Courts	418	258	8,312
Other courts	30	180	252
TOTAL	128,286	17,316	402,085
	32%	4%	

- Number of charges higher than number of matters
- Not guilty and pleas to lesser charges not shown on this table

Outcome of charges (finalised matters) per court type 2007/08

Matters Per Delivery System	Not guilty/ acquitted/ S174	Guilty of lesser charge/n on-custodial sentence	Guilty	Charges With-drawn	Total Outcomes	% Acquittals	% Acquittals (after withdrawals)
District Courts	15,758	42,253	20,140	110,372	188,523	8.4%	20.1%
Regional Courts	8,144	7,088	6,213	20,380	41,825	19.5%	38%
High Courts	592	686	1,688	189	3,155	18.8%	20%
Other courts	38	19	43	34	134	28.4%	38%
TOTAL	24,532	50,046	28,084	130,975	233,637	10.5%	24%

- Number of outcomes lower than number of matters
- This table does not include matters are struck of the roll by the judicial officer, warrants

New legal matters (criminal) by type of matter : 2007/08

Type of Criminal Matter *	JC	Judicare	Total	%
Assault with intent to do grievous bodily harm	63705	7036	70741	16%
Theft/breaking with intent to.../attempted housebreaking with intent to...	56524	4996	61520	14%
Robbery/attempted robbery	42577	5670	48247	11%
Rape/attempted rape/Intercourse with minor	32863	4372	37235	8%
Murder/attempted murder	32098	4816	36914	8%
Assault common	24919	5359	30278	7%
Armed Robbery	18282	1261	19543	4%
Malicious injury to property	12735	2143	14878	3%
Possession of drugs	12561	1114	13675	3%
Possession of stolen property	11903	748	12651	3%
Driving under the influence/Drunken driving	9375	781	10156	2%
Motor vehicle theft/Theft from motor vehicle	8663	527	9190	2%
Fraud	8072	800	8872	2%
Domestic violence	7594	598	8192	2%
Shoplifting	4975	402	5377	1%
Unlawful poss. Firearm	4899	89	4988	1%
Indecent Assault	3998	541	4539	1%
Stock theft	3647	443	4090	1%
Reckless and negligent driving	3535	897	4432	1%
Other	3506	262	3768	1%
TOTAL	402085	47574	449659	100%

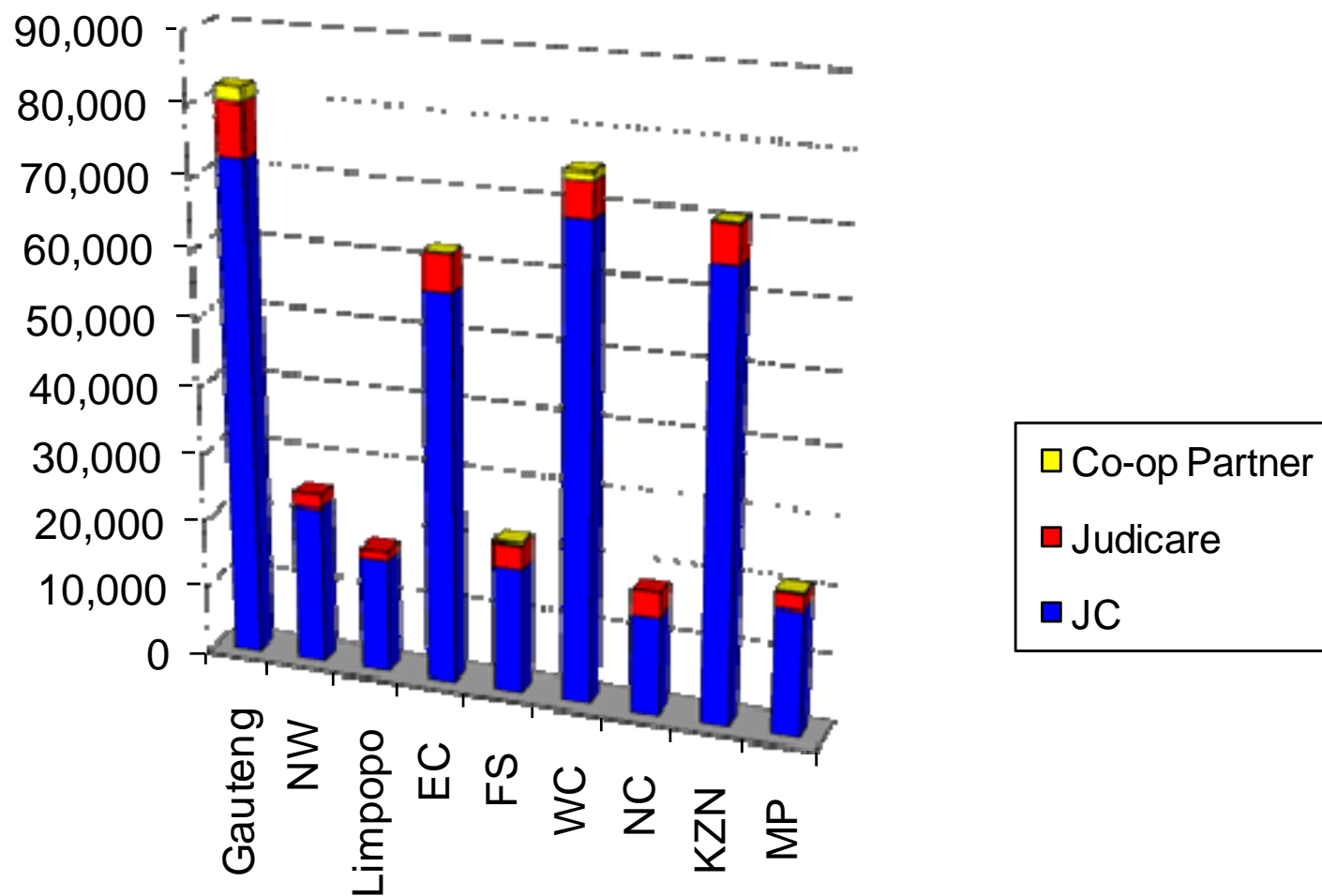
* Count of charges

New legal matters (civil) by type of matter : 2007/08

Matter Type	Granted - Internal	Granted - Judicare	Grand Total	%
Civil – Divorce	10,347	1,032	11,379	30%
Civil - Claim sounding in money (excl RAF)	5,749	276	6,025	16%
Civil – Other	3,386	142	3,528	9%
Civil – PIE	2,156	333	2,489	7%
Civil – Maintenance	1,197	84	1,281	3%
Civil - Property Rights/Title Deeds disputes	1,099	85	1,184	3%
Civil - Domestic Violence	1,042	122	1,164	3%
Labour - Unfair dismissal (Labour Court)	950	382	1,332	4%
Children – Maintenance	939	103	1,042	3%
Children – Custody	853	191	1,044	3%
Civil – Interdict	580	52	632	2%
Children - Claim sounding in money	574	20	594	2%
Children - Administration of estate	516	13	529	1%
Civil - Credit Agreement Act disputes	449	16	465	1%
Civil - Rescission of judgment	382	50	432	1%
Civil - Application for Spoliation	371	21	392	1%
Civil – ESTA	360	62	422	1%
Labour - Unfair labour practices (Labour Court)	353	17	370	1%
Labour - Review (arbitration awards - Labour Court)	267	169	436	1%
Children – Access	262	106	368	1%
Other	2,070	296	2,366	6%
TOTAL	33,902	3,572	37,474	100%

*Number of matters excluding co-operations agreements

New legal matters per delivery system per province : 2007/08



Legal services co-operation partners : 2006/07 & 2007/08

Name of Co-operation Partner	Province	New Matters 2006/07	New Matters 2007/08
University of Pretoria	Gauteng	640	815
Wits Law Clinic	Gauteng	1,425	1,369
KZN Land Legal Cluster	KZN	159	170
Campus Law Clinic	KZN	135	-
Mpumalanga Land Legal Cluster	MP	194	269
Free State Rural Development Association	Free State	368	241
Free State University	Free State	1,459	-
University of the Western Cape	WC	512	680
University of Stellenbosch	WC	576	443
University of Fort Hare	EC	-	88
TOTAL CO-OPERATION PARTNERS NEW LEGAL MATTERS		5,468	4,075

Legal Aid Board Report on Performance 2007/08

Finances

Finances

2007/08 Strategic Priorities

- ▶ Maintaining an unqualified audit report with no emphasis of matter items
- ▶ Expenditure within 99,5% of budget, zero over expenditure
- ▶ Sound fixed asset management
- ▶ Sound supply chain management including BEE monitoring.
- ▶ Sound creditor management practices

Finances

2007/08 Programme Achievements

- ▶ All items raised in A–G management letter of previous year addressed
- ▶ Expenditure within 99,5% of budget
- ▶ Fixed asset register reconciled to general ledger throughout year, physical verifications conducted bi-annually, fixed assets management procedure introduced
- ▶ Capital Asset Replacement Programme approved
- ▶ Supply chain management implemented in line with PFMA and BB BEE
- ▶ Preferred supplier data base developed to aid BEE monitoring.
- ▶ Creditors managed successfully

Finance MTEF Allocations

- ▶ The Legal Aid Board received the following government grants for the periods under review:
 - FY 2005/06 – R453,228,000
 - FY 2006/07 – R501,409,000
 - FY 2007/08 – R613,029,000
 - FY 2008/09 – R668,978,667

- ▶ 2006/07 funding included an additional allocation of R35million, of which R10million was for the legal representation of children.

- ▶ 2007/8 funding includes additional allocation:
 - R50million for new programmes
 - R16,8million for case backlog
 - R6,5 million for wage settlement
 - R15 million once off additional funding

Budgets 2006/07 , 2007/08 & 2008/09

	2006/07	2007/08	2008/09
MTEF Allocation	R501,409,000	R613,029,000	R688,978,667
Depreciation	R 15,163,584	R 16,708,440	R 17,704,367
Interest estimate	R 14,127,400	R 22,056,398	R 16,500,000
BUDGET	R 530,699,984	R651,793,838	R 723,183,034

Statement of Financial Position as at 31 March 2008

BALANCE SHEET

(un-audited figures)

	Note	UNAUDITED 2008	2007
ASSETS			
Non-current Assets		50,172,864	39,799,717
Current Assets		256,594,360	217,902,502
Total Assets		306,767,224	257,702,219
		2008	2007
NET ASSETS & LIABILITIES			
Net Assets	1	133,729,263	120,623,440
Current Liabilities		173,037,961	137,078,779
Net Assets & Liabilities		306,767,224	257,702,219

1. Represents the changes in Net Assets, i.e. Assets value less Liabilities

Statement of Financial Performance for the year ended 31 March 2008 (un-audited figures)

REVENUE	Note	UNAUDITED 2008	2007
Revenue (Grant from Govt.)		613,029,000	501,409,000
Interest Received		22,547,322	16,839,666
Other income		3,039,193	561,797
Total Revenue		638,615,515	518,810,463
EXPENSES		2008	2007
Personnel		402,853,024	310,523,867
■ Direct costs		300,312,950	235,974,371
■ Support costs		102,540,074	74,549,496
Administrative		89,055,668	101,079,943
Depreciation (non-cash)		16,063,814	14,392,652
Miscellaneous (operating costs)		117,537,187	107,701,955
Total Expenditure		625,509,693	533,698,793
SURPLUS / (DEFICIT)	1	13,108,823	(14,888,330)

1. Due to Depreciation which is a non-cash item

Cash Flow Statement for the year ended 31 March 2008 (un-audited figures)

	Note	UNAUDITED 2008	2007
Cash flows from operating activities	1	69,091,823	35,450,006
+ Cash flows from investing activities	2	(29,617,802)	(12,592,896)
= Increase in cash & cash equivalents	3	39,474,021	22,857,110
+ Cash & cash equivalents b/f	4	212,507,935	189,650,825
= Cash & cash equivalents at end of year	5	251,981,956	212,507,935

1. Includes grant from Govt. received in cash less cash paid for expenditure
2. Expenditure for expansion (assets)
3. Net effect of 1-2
4. Brought forward at the beginning of FY
5. Cash on hand and balances with banks reflected as part of Current Assets. Note that these are committed against expenditure incurred.

Provisions

(un-audited figures)

	Carrying value at beginning of year	Additional provisions	Used during the year	Carrying value at end of year
Judicare	72,798,313	86,471,279	(72,798,313)	86,471,279
Bonuses & Incentives	30,347,538	37,305,689	(30,347,538)	37,305,689
Other	3,064,106	1,517,633	(1964589)	2,617,150
Total Expenditure	106,209,957	125,294,600	(105,110,440)	126,394,117

- The provision for Judicare is based on all outstanding accounts in respect of matters issued to private practitioners during and prior to the current FY, where it is assumed that a reasonable portion of these are finalised. The estimates used are based on historical claims information and other variable factors.
- Bonuses relate to 13th Cheque provisions for staff on structured packages. Incentives are in respect of the current financial year but are only paid out in August of the following financial year.

Other provisions include amounts for post-retirement medical benefits and

Audit Matters (2006/07)

- ▶ The Legal Aid Board received its sixth unqualified audit opinion in the financial year 2006/2007
- ▶ The Auditor-General's report for the financial year 2006/07 had no matters of emphasis for the second year
- ▶ The AG reporting in Other Matters on Internal Control reported significant control weaknesses in the SAP R/3 a new HR software application introduced in the financial year under review
 - Issues raised by AG related to problems associated with new software applications implemented
 - Legal Aid Board – Internal audit had identified these control weaknesses and management had begun to address these at the time of the audit by the AG
 - The weaknesses identified were addressed during 2007/08

Legal Aid Board Report on Performance 2007/08

Human Resources

Human Resources

2007/08 Strategic Priorities

- ▶ Employee centred programmes including strengthening organisational culture, employee wellness and employee safety
- ▶ Diversity management
- ▶ Appropriately resourced business with emphasis on skills, competencies and employment equity
- ▶ Leadership development
- ▶ Knowledge management, learning and innovation
- ▶ Performance management
- ▶ Learnership programmes and retention of competent staff

Human Resources

2007/8 Programme Achievements

- ▶ Organisational culture survey programme conducted and analysed
- ▶ LAB achieved a total of 17,426 hours training for legal and general staff 95% of annual target on improving skills and competencies development.
- ▶ Employment Equity Programme is achieving targets as at year four of the five year plan
- ▶ An audit was completed on accessibility of LAB office to persons with disability.
- ▶ HIV/AIDs strategy 2006–2009 programmes implemented
- ▶ Organisational culture programme corporate and client charters reviewed
- ▶ Employee wellness programme maintained and employee health and safety programme implemented and health and safety committees instituted
- ▶ Diversity management plan further developed
- ▶ Leadership Coaching Programme implemented to improve leadership at middle and senior management levels
- ▶ Knowledge management audit completed and processes implemented for the completion of an Legal Aid Board knowledge and innovation strategy
- ▶ 360 degree review on performance of managers introduced to enhance people management

Legal Aid Board Report on Performance 2007/08

Governance Risk Information Technology

Governance 2007/08

- ▶ Board Chairperson re-appointed by the Minister of Justice & Constitutional Development for a further term (01 October 2007 to 30 September 2010)
- ▶ Board members trained in the interpretation of financial statements
- ▶ New Board members attended King II and Corporate Governance training workshop
- ▶ Board and committee self evaluation conducted
- ▶ Board provided strategic direction and oversight of organisational performance

Risk 2007/08

- ▶ Strategic and operational risks identified and mitigating controls exercised
- ▶ Business continuity plan revised, and LAB continuously assessing its effectiveness to recover from disasters
- ▶ Risk assurance provided by audit coverage plan including comprehensive audits of IT Systems and applications, and IT disaster recovery simulation
- ▶ Financial, operational and IT related risks identified, assessed and managed

IT 2007/08

- ▶ ITIL Best-practice methodology simulation completed
- ▶ In-house software development team recruited to support AI enhancements and Project Management discipline introduced
- ▶ WAN infrastructure provision and implemented for rolling out new Regional Office, Justice Centres and Satellite Offices
- ▶ Helpdesk system to support HR, Finance and IT initiated in Q4 for roll out in Q2 2008/09
- ▶ Phase 1 of Business Intelligence completed
- ▶ Review of HR-SAP governance introduced a task team and streamlined roles and responsibilities
- ▶ Project team setup for integration of LAB and SAPS IT systems

Challenges 2007/08

Challenges 2007/08

Legal Aid Board Report on Performance 2007/08

Delivery of legal services

- ▶ Continuing to improve access beyond the court systems – particularly in rural areas – these matters would be largely civil in nature
- ▶ Civil Legal Aid Targets still not being achieved due to resource constraints
- ▶ Number of practitioners per court at District Court at 0.91 and at Regional Court at 1.17 which is still below our targets due to resource constraints
- ▶ Continuous improvement of quality of legal services – legal services being our core business – this also links to ratio of practitioners per court
- ▶ Organisational capacity with special focus on ratio of LAB practitioners per court continues to be out of sync with other justice stakeholders
- ▶ Number of matters older than backlog targets have to be tracked to reduce case backlogs but this is not fully within our control
- ▶ Case flow management at a court level remains a challenge resulting in case backlogs indicative of the overall functioning of the criminal justice system
- ▶ Remuneration of legal practitioners also out of sync within justice cluster – await the Minister of Justice to extend the Occupational Specific Dispensation for Legal Professionals to the Legal Aid Board.
- ▶ Legislation and regulations: Delays in approval of Legal Aid Guide by Parliament and the rewrite of the Legal Aid Act impacts on the policy environment of the Legal Aid Board

Overall Summary of Performance 2007/08

Overall Summary Of Performance 2007/08

Legal Aid Board Report on Performance 2007/08

- ▶ Legal services delivery – Improved access to justice by poor South Africans continues as capacity increases
 - Annual new matter target exceeded with total new matters recorded at 396,127 (113% of target).
 - Annual finalised matter target exceeded with total finalised matters recorded at 399,738 (101% of new matters).
 - Mixed delivery system to deliver legal services with about 89% attended to by in-house lawyers in out Justice Centres.
 - The number of children assisted in criminal matters were 42,087 while representation of children in civil matters totaled 5,821.
 - Number of automatic reviews in courts continues to decrease steadily on an annual basis
 - All criminal courts in the country covered
 - Legal Aid Board National Footprint expansion on track with 1 new Justice Centre and 8 new Satellite Offices opened
 - The LAB continue to increase awareness of clients and communities covering community events, police and cell branding and conducting client surveys.
 - Pilot survey conducted aimed at determining client needs. Court observation and file assessment both included in legal quality assessments and overall legal quality remains on track
- ▶ Improved **quality of legal services** delivered as quality programmes consolidated
Increased participation in **justice cluster** initiatives

Overall Summary Of Performance 2007/08

Legal Aid Board Report on Performance 2007/08

- ▶ **Strong governance and financial management**
 - Unqualified audit record maintained for 6th year in 2006/07 with 2nd time in 06/07 no emphasis of matters from AG
 - LAB Board and its sub-committees fully functional

- ▶ **Support platform continues to be strengthened**
 - LAB Corporate Dashboard developed and implemented so as to enhance business intelligence on data available
 - Knowledge management audit done as a precursor to the strategy which is to assist in building the organisation's depth of information for better decision making
 - Management continue to pro-actively respond and monitor the 13 identified risk areas, including the sustainability and capacity of the LAB, finance and procurement, asset management and fraud prevention.