



Annual Performance Plan (APP) **2021/2022**

approved by the Board on 28 November 2020

*submitted for approval by the Minister of Justice and Correctional Services
on 31 January 2021*

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LEGAL AID SA ANNUAL PERFORMANCE PLAN 2021-2022

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Annexures to the Annual Performance Plan

Annexure: District Development Model

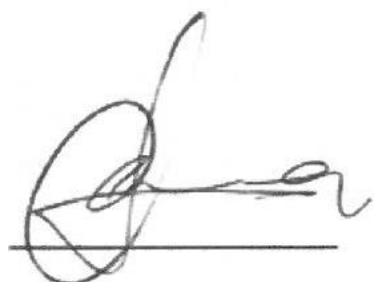
Executive Authority Statement

It is my pleasure to present this Legal Aid South Africa (Legal Aid SA) Annual Performance Plan (APP) 2021-2022. Legal Aid South Africa is an autonomous statutory body which delivers legal aid in South Africa. Given the social and economic imbalances prevalent in our country the intervention by the State through Legal Aid SA is essential.

This APP will guide Legal aid SA with regard to the programmes and outputs that need to be implemented quarterly and annually in order to achieve its mandate of rendering legal aid and legal advice, providing legal representation at state expense and providing education and information concerning legal rights and obligations. Key to this is ensuring that indigent and vulnerable persons and marginalised communities are able to access justice. Legal Aid SA has, in the past, been successful in the delivery of its constitutional mandate through its focus on providing professional quality legal services, supported by pillars of strong financial management, good governance practices including effective risk management and sound human resources management. Legal Aid SA should continue to build a capable institutional capacity in recruiting and retaining knowledgeable and skilled professionals. The legal quality work by legal practitioners of this institution is expected to inspire confidence in a fair and equitable justice system.

Alongside other role-players in the Justice Crime Prevention and Security Cluster, Legal Aid SA has a significant role in promoting the efficient functioning of the justice system within South Africa. It is through our collective efforts to uphold human rights that we will increase access to justice particularly to the indigent and vulnerable persons. More efforts should be given to access to justice for women, children and the disabled persons while equally giving attention to matters of capacity in areas of needs such as the sexual offences courts. Given the work currently being done on the Land Court Bill and the related legislative process, Legal Aid SA will be resourced to provide critical support to the indigent in respect of the resolution of land related disputes thereby ensuring access to justice in land matters. This will also involve the transfer of the legal representation function of the Land Rights Management Facility from the Department of Agriculture, Land Reform and Rural Development to Legal Aid SA.

I endorse this Annual Performance Plan of Legal Aid SA for the financial year 2021-2022 and look forward to ensuring that Legal Aid SA will continue to grow as a living embodiment of the Constitution by extending its reach to as many eligible citizens as reasonably possible.

A handwritten signature in dark ink, appearing to be 'R. Lamola', written over a horizontal line.

(signature)

Mr R. Lamola, (MP)

Minister of Justice and Correctional Services

Accounting Authority Statement

As we enter the first year of a new five-year planning cycle, we developed an Annual Performance Plan (APP) 2021-2022 based on the Legal Aid SA Strategic Plan 2020-2025. Both the Strategic Plan and APP are aligned to the Constitutional, legislative mandate and other applicable statutory mandates. The APP outlines the programmes, outputs, indicators and targets that Legal Aid SA aims to achieve and these are aligned to the outcomes in the Strategic Plan to realise the impact of *equal access to justice to build a just society*.

Legal Aid SA is a critical element of constitutional democracy, enabling access to justice to uphold the rights enshrined in our Constitution. Despite operating in a context of financial constraints, the Board, as the Accounting Authority, strives to enable the achievement of the objects of Legal Aid SA, as outlined in the Legal Aid SA Act 39 of 2014 as follows:

- 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.*

During the Strategic Plan 2020 -2025 period the organisation will be guided by its vision which is “*A dynamic South Africa in which constitutional rights are realised to ensure a just society for all*” and mission “*To remain a leader in the provision of equal access to justice to indigent and vulnerable persons by rendering quality legal services.*” The Board remains committed to improving the performance of Legal Aid SA and the Justice cluster within a framework of good governance and ensuring accountability to its Shareholder, the Executive Authority, Parliament and its Stakeholders.

The Board endorses this Annual Performance Plan for the 2021-2022 financial year and will monitor and report on performance against this plan. It is pertinent to note that during this period Legal Aid SA will align its services to the Land Court Bill which will result in the resolution of land related disputes for indigent persons.



Judge Motsamai Makume

Board (Accounting Authority) Chairperson

Accounting Officer Statement

Legal Aid SA derives its mandate from the Constitution of the Republic of South Africa (Act 108 of 1996), the Legal Aid South Africa Act (Act 39 of 2014) as read with the Legal Aid Regulations (Policy Provisions) and Legal Aid Manual (Procedural Provisions).

The previous Strategic Plan, for the period 2015-2020, was aimed at fulfilling the following broad outcomes (1) Quality justice for all, focusing on the poor and vulnerable, thus contributing to building safer communities; and (2) Respected, accessible, high performing and sustainable public entity impacting positively on society, the economy and the environment. During this period, 2015 – 2020, the overall focus was on increasing organisational maturity, sustaining high performance and excellence in all segments of the organisation and positively touching the lives of many more South Africans to ensure the outcome of quality justice for all. A new Strategic Plan is in place for the period 2020-2025 and our focus remains on serving indigent and vulnerable persons ensuring their right to access to justice is made a reality, including a new responsibility that arises as a result of government's policy direction on land justice.

In keeping with its sterling performance track record, Legal Aid SA achieved immense success in delivering its constitutional mandate and predetermined objectives. Legal Aid SA delivered on over 90% of the approved Business Plan in the 2019-2020 financial year. The organisation took on 402 238 new legal matters of which 87% are criminal matters and 13% are civil matters. An increased focus was placed on providing legal assistance to children and a total of 13 514 children were afforded legal assistance in criminal and civil cases in 2019-2020. Also, a total of 25 impact litigation cases were approved and funded to cover legal matters with a focus on improving the socio-economic status of marginalised communities, including women and rural communities.

Our legal services are provided through our mixed model of legal service delivery, in which legal capacity is extended through partnerships. As per this model, during the 2019-2020 financial year 96% of legal matters were dealt with by internal legal practitioners employed by Legal Aid SA; 3% by Judicare practitioners (which is the system by which legal aid clients are assisted by an external practitioner briefed by the organisation) and 1% through Agency Agreements and Co-operation Partners.

We continue to provide education and information concerning legal rights and obligations, as envisaged in the Constitution and the Legal Aid SA Act 39 of 2014. The provision of legal advice, in order to empower communities on their legal rights and responsibilities benefitted 266 055 people in 2019-2020 via its national footprint of 64 Local and 64 Satellite Offices, the national Legal Aid toll free Advice Line, consultations with remand detainees and other outreach promotions and activations. Furthermore, we effectively used media and social media platforms (such as Twitter, Facebook, Instagram, YouTube and LinkedIn) to empower the public about legal rights and responsibilities throughout the country and as channels where we can engage on numerous issues.

Due care is taken to ensure that the organisation is optimally capacitated in terms of people by recruiting, remunerating, managing and retaining skilled staff; identifying talent and training and development. As at the end of March 2020 our permanent staff complement was 2 571 which is 91.9% of the approved establishment. We remain mindful of budget cuts, and continue to carefully manage our vacancies. The total legal staff complement was 2,025, including paralegals, which accounts for 78.9% of the total staff recruited. Our competent and knowledgeable professionals' commitment plays a crucial role in the delivery and support of legal aid services and support business. Legal Aid SA was accredited Top Employer South Africa for the 11th consecutive year in 2019-2020 and a public sector leader for the fifth year, in recognition of its best-aligned human resources practices.

Despite the financial challenges relating to the budget cuts/shortfalls, Legal Aid SA operated a balanced budget achieving the budget expenditure target of 98%. The organisation has implemented various efficiency measures over the MTEF period to address the budget shortfall, that is, reduction of operating budget expenditure, reduction of expenditure investing in people and minimal use of consultants. Judicare payments and payments to other creditors were made within 30 days and was recorded as 81.1% and 99% respectively, both below the target of 100% due to system challenges arising from the migration in October 2019 from the previous IT system Ad Infinitum to the new electronic Legal Aid Administration (eLAA) system, that delayed payments.

The IT platform remained stable and was maintained with systems meeting our business needs with a system availability of 99,9%. The electronic Legal Aid Administration system (eLAA 2016) was successfully completed and rolled out in October 2019. The new platform will assist us to keep up with technological advancements in order to sustain our services.

Legal Aid SA has consistently followed good governance practices and a sound risk management approach. This culminated in a clean audit opinion for the 2019-2020 financial year, our 19th consecutive unqualified audit opinion.

In the 2021-2022 financial year, the first year of the of the forthcoming medium-term strategic plan period, the focus is on ensuring equal access to justice for all to build a just society. This will be done through achieving long term organisational development, improving maturity levels and outcomes, delivering sustainable high performance.

This will include improving the alignment of demand to supply of criminal legal aid services and implementing alternative delivery models for improved efficiency. In civil legal aid greater focus will be given to constitutional priorities such as land and social issues and improving the sustainability of the civil legal aid offering to clients. Legal Aid SA is committed to providing legal representation to indigent persons in land related matters as envisaged in the Land Court Bill and the interim transfer of the provision of legal representation from the Land Rights Management Facility, within the resources that are made available to Legal Aid SA. The Legal Aid SA Regulations and Manual under the Legal Aid SA Act, 2014 (Act No. 29 of 2014) will be reviewed accordingly, where required, to align to the Land Court Bill.

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

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

The new IT eLAA 2016 system will be enhanced further to include client-focused automated processes to reach our clients through digitised devices. Additional focus will be directed at emerging technology and systems with due consideration of cybersecurity related risks and necessary timeous mitigations required.

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

In the coming year Legal Aid SA commits to using its limited resources to effectively execute its mandate and ensure equal access to justice for all to build a just society.

This APP 2021-2022 is the organisation's commitment to implement the programmes and outputs aligned to the outcomes identified in the Strategic Plan 2020-2025, with the support of the Executive Authority, the Board and internal and external stakeholders.



Ms Mantiti Kola

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

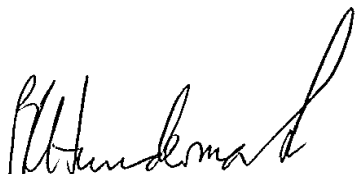
Official Sign-Off

It is hereby certified that this Annual Performance Plan:

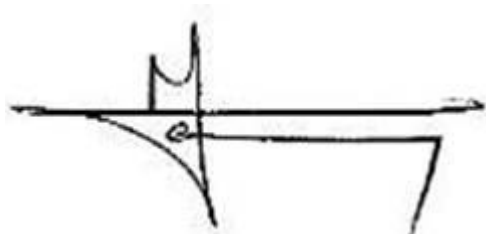
- i. Was developed and compiled by the Management of Legal Aid South Africa under the guidance of the Board (Accounting Authority);
- ii. Takes into account all the relevant legislation, policies and other mandates for which Legal Aid SA is responsible;
- iii. Accurately reflects the outcomes and outputs which Legal Aid SA will endeavour to achieve over the 2021-2022 financial year given the resources made available in the MTEF for 2021-2024.



Adv Brian Nair: National Operations Executive



Mr Patrick Hundermark: Chief Legal Executive



Mr Sethopo Mamotheti: Chief Operations Officer



Ms Precious Mbingo: Chief Financial Officer



Ms Mantiti Kola: Chief Executive Officer (Accounting Officer)

Approved by:



Judge Motsamai Makume: Board (Accounting Authority) Chairperson



Signature: _____

Mr R. Lamola, (MP)

Minister of Justice and Correctional Services (Executive Authority)

List of Abbreviations and Acronyms

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

1. PART A: OUR MANDATE

1.1. Constitutional Mandate

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

The Constitution of RSA (Act 108 of 1996)

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

(a) ...

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

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

(a) ...

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

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

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

(a) ...

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

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

1.2. Legislative and Policy Mandates

The Legal Aid South Africa Act (Act 39 of 2014) as read with the Regulations (Policy Provisions) and Legal Aid Manual (Procedural Provisions) as well as other national legislation which gives effect to the rights and obligations enshrined in the Constitution.

Legislative Mandates

Legal Aid South Africa Act 39 of 2014

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

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

Objects of Legal Aid South Africa

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

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

Powers, functions and duties of Board of Directors

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

(a) Provide legal services, representation and advice, by—

- (i) employing legal practitioners and candidate attorneys;*
- (ii) employing paralegals, who are persons that are not legal practitioners but have knowledge and understanding of the law, its procedures and its social context acquired through training, education, work experience or a national registered qualification in paralegal practice; and*
- (iii) procuring the services of legal practitioners in private practice by entering into contracts or agreements with them and other entities.*

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

Other Legislation and Codes Impacting on the Delivery of Legal Aid

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

- (I) Criminal Procedure Act (Section 73, 309, 309B, 309C, 309D & 316) – Legal Representation in Trial and Appeals
- (II) The Child Justice Act (Section 82(1) & 83(2)) – Legal Representation for Children in Child Justice Court (No child may be refused legal representation)
- (III) Children’s Act 38 of 2005, (Section 55 (1)) – Legal Representation of Children in matters dealt with in the Act
- (IV) Labour Relations Act 66 of 1995 (Section 149) – currently unfunded
- (V) Mental Healthcare Act 17 of 2000 (Section 15)

- (VI) Restitution of Land Rights Act 22 of 1994 (Section 22) – currently unfunded
- (VII) Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (Section 4(5)) – currently unfunded
- (VIII) Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (Section 10(5))
- (IX) Refugees Act 140 of 1998 (Section 27(b))
- (X) Protection of Personal Information Act, Act No. 4 of 2013
- (XI) Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996) – currently unfunded
- (XII) Promotion of Administrative Justice Act, Act No. 3 of 2000
- (XIII) The Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) – currently unfunded

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

Public Finance Management Act (PFMA)

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

King IV Report on Corporate Governance

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

Policy Mandates

National Development Plan (NDP) 2030

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

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

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

Medium-Term Strategic Framework 2019-2024

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

At the time of finalisation of this Annual Performance Plan, the Medium-Term Strategic Framework 2019-2024 had not been launched.

Budget Prioritisation Framework

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

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

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

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

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

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

African Union Agenda 2063

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

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

United Nations Sustainable Development Goals (SDGs) 2030

The SDGs seek to end poverty and hunger in the world; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources.

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

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

Countries committed to the SDGs aim to create conditions for sustainable, inclusive and sustained economic growth, shared prosperity and decent work for all, taking into account different levels of national development and capacities. The SDGs are integrated and indivisible and balance the three dimensions of sustainable development, namely, the economic, social and environmental. There are 17 Sustainable Development Goals which demonstrate the scale and ambition of the new global agenda.⁵

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

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

The organisation will continue to implement its Strategic Plan in accordance with its Constitutional and legislative mandates as well as the policies as mentioned above:

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

1.4. Relevant Court Rulings

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

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

i. **Life Esidimeni 19 March 2018**

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

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

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

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

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

The North Gauteng High Court ordered Legal Aid SA on 14 October 2013 to forthwith take steps to provide legal funding to the applicants for their participation in the Marikana Commission of Inquiry. The judgment may have far reaching implications for Legal Aid SA's sustainability.

Whereas it may be desirable to fund legal representation for poor/indigent persons who have standing before commissions of inquiry, it is our view that this has to be done on a sustainable basis with a proper balancing of competing rights.

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

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

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

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

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

- iv. **Legal Aid Board v The State and Others 2011(1) SACR 166 (SCA) (Porritt and Bennett)** Here the SCA held that the right to legal representation at state expense where substantial injustice may arise, involves 2 elements, namely the complexity of the case as well as the ability of the accused to afford the cost of legal representation from his/her own resources. In determining if an accused is able to afford the cost of legal representation the provisions of Section 3B are applicable. The SCA found that this section makes it clear that this is the court's inquiry and that there is no onus of proof on the accused but that this does not allow the accused to not place information that is within his/her peculiar knowledge before the court. It went further and found that a failure to place such information before the court, in order to assist the court in its inquiry, may well be fatal to their quest for legal assistance at state expense. It also clarified that the court has powers to subpoena witnesses and documents or to place the accused under oath and for them to be cross examined. In this instance it found that the accused, having regard to their life style and information available to the court were not indigent and it accordingly set aside the order granting the accused legal representation at state expense.

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

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

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

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

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

- vi. **Legal Aid Board (Ex Parte) v Johan Pretorius and Another 2006 JDR 0458 (SCA) Unreported** The SCA considered in this matter whether Section 3B of the Legal Aid Act, was applicable in circumstances where accused persons had terminated the mandate of their legal representative and sought the appointment of a replacement practitioner.

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

- vii. **Nkuzi Development Association v Government of the Republic of South Africa 2002 (2) SA 733 (LCC)**, where Moloto J (with Gildenhuys J concurring) declared that in eviction cases, labour tenants and occupiers under the land reform legislation "*have a right to legal representation or legal aid at State expense if substantial injustice would otherwise result, and they cannot reasonably afford the cost thereof from their own resources.*" The Court declared that the state was under a duty to provide such legal representation or legal aid through mechanisms selected by it.
- viii. **Bernstein v Bester NO 1996 (2) SA 751 (CC)** at 106 – The Constitutional Court stated that the failure to use a phrase such as "a fair hearing" in the Interim Constitution might justify a conclusion that the framers of the Interim Constitution deliberately chose not to constitutionalise the right to a fair civil trial. The drafters of the final Constitution provided in Section 34 that everyone has the right to have any dispute that can be resolved by the application of law decided in "a fair public hearing".
- ix. **S v Vermaas; S v Du Plessis 1995 (3) SA 292 (CC)**, where the Constitutional Court dealt with the right to legal representation and the fact that a litigant has no choice as to the legal representative where it is provided at state expense.

2. PART B: OUR STRATEGIC FOCUS

2.1. Situational Analysis

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

Please refer to the Legal Aid South Africa Strategic Plan 2020-2025, Section 4.4, for the detailed environmental analysis

External Environment

Social

Violence against women, children and people with disabilities is prevalent. SAPS crime statistics 2019/20 confirm an increase in contact crimes and levels of violence in society. This has a negative impact on public confidence in the rule of law and the criminal justice system. Lockdowns to contain the COVID-19 pandemic resulted in a significant decrease in the number of service delivery protests in 2020. The National Development Plan (NDP) 2030 is implemented to address challenges of poverty, unemployment and inequality. This links to the implementation of the Sustainable Development Goals (SDGs) to end extreme poverty and fight injustice and inequality.

Land matters are being addressed by government and Legal Aid SA will have to provide legal services in some land related matters, which will impact on the budget and resourcing. Furthermore, involvement in land matters would require that skills in land matters will have to be acquired and that additional staffing and management capacity would have to be appointed to manage and undertake these additional responsibilities as currently contained in the draft Land Court Bill.

One of the fundamental policies that has been adopted for the Land Court Bill is the creation of a single legal aid dispensation for adjudication of land disputes under Legal Aid SA and the transfer of the legal representation function of the Land Rights Management Facility (which is managed by the Department of Agriculture, Land Reform and Rural Development) to Legal Aid SA. A work stream has been established to focus on the legal, financial/budgetary and practical implications associated with the transfer of these responsibilities of the Land Rights Management Facility to Legal Aid SA. The related budget allocation which is currently in the vote of the Department of Agriculture, Rural Development and Land Reform would then be transferred to the Department of Justice and Constitutional Development and specifically the Legal Aid SA Vote. Regulations 17 and 18 under the Legal Aid South Africa Act, 2014 (Act No. 29 of 2014) enables the provision of legal aid in land matters subject to funds being made available.

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

Demographic

According to Statistics South Africa, for 2020 the mid-year population estimate is 59,62 million. Gauteng comprises the largest share of the South African population, and for the period 2016–2021, Gauteng and the Western Cape are estimated to experience the largest inflow of migrants. The provision of legal aid services is based on population, distribution of the population across the provinces, migration patterns and the urban/rural divide.

Economic

Low economic growth in SA, linked to high unemployment rate and poverty; impacts on government revenue and expenditure. This has been exacerbated by the COVID-19 pandemic

Political

The sixth Parliament of the Republic of South Africa was established after the National Elections held in May 2019 and will focus on seven priorities:

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

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

Financial

National Treasury's (NT) new MTEF Guidelines 2021 indicate that budget cuts of 6%, 9% and 22% for financial years 2021/22, 2022/23 and 2023/24 respectively may be implemented for entities and departments. State-owned Entities continue to require bailouts from the state amounting to billions. The Public Sector Wage Bill is high and increases have been higher than NT macro and CPI increases.

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

Legal/Justice

Case flow committees are operational at local, provincial and national level to improve efficiency of the criminal justice system. Cabinet approved an Integrated Criminal Justice Strategy and Framework (ICJS) in 2017 as a mechanism to build on the Seven-point Plan and to ensure that a transformed, efficient, effective, victim-friendly,

modernised and integrated CJS is achieved, leading to improved service delivery, improved quality of life and safety for all through interventions in an integrated approach across the CJS value chain. The Legal Practice Act came into operation at the end of October 2018. The profession is now regulated by the Legal Practice Council (LPC), on which Legal Aid SA has a seat. Clients and communities have a better awareness of human rights and this may result in an increase in the demand for legal services. Legal empowerment of individuals requires more focus, particularly given the decline in funding to the Community Advice Offices sector. A decline in public confidence in the justice system results in the risk of the public taking the law into their own hands and requires a focus on education of communities.

Demand for Legal Aid SA services

A review of the criminal and civil statistics dealt with by Legal Aid SA from 2015/16 to 2019/20 shows that the number of criminal cases has decreased over the five-year period, with the most recent decrease between 2018/19 and 2019/20 being 3,1%. The number of civil cases dealt with has decreased over the four-year period 2016/17 to 2019/20, with a 5,2% decrease between 2018/19 and 2019/20. The number of matters in which legal advice is provided has fluctuated, increasing between 2015/16 and 2016/17, then decreasing between 2016/17 and 2017/18 and increasing by 0,9% between 2017/18 and 2018/19 and decreasing by 13,6% between 2018/19 and 2019/20.

	Demand for Legal Aid SA				
	2015/16	2016/17	2017/18	2018/19	2019/20
Criminal Total	388,692	385,972	371,202	362,213	351,061
Civil Total	52,364	58,990	55,415	53,990	51,177
Criminal & Civil Total	441,056	444,962	426,617	416,203	402,238
Advice Matters Total	308,563	322,694	305,239	308,050	266,055

International Legal

The implementation of legal aid systems in compliance with the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems is ongoing globally.

Legal Aid SA meets the requirements of the UN Guidelines on Access to Legal Aid and has developed a strong internationally recognised legal aid system that is sustainable and gives effect to sustainable access to justice. Global indicators on access to justice and civil justice were developed as part of reporting on SDG 16, Target 16.3 flowing from the SDGs 2030. Research has indicated that the majority of jurisdictions in the world, particularly those under the European Union, have shifted to early access to legal representation immediately after arrest.

Technology

The Fourth Industrial Revolution (4IR) and advances in technology are reshaping the world, the work environment and all aspects of life. Organisations must therefore exploit opportunities to improve organisational efficiencies and systems.

With advances in technology come additional cyber security risks and these risks need to be mitigated.

Technology and Media

The usage of social media platforms is growing and organisations have to find ways to use these platforms for marketing as well as manage the risks associated with social media, that is, reputational risks. Legal Aid SA has increased its presence in the digital media and social media space and is visible on all media platforms.

Technology and Legal

Technology is being integrated in courts and there is continuing development of the Integrated Justice System. Use of technology could result in improved use of court time; improved turnaround time in finalising cases; reduction in unnecessary postponements; access to professionals regardless of location and reduction of fraud and corruption.

Environment

More focus on environmental issues is required as we deal with climate change. South Africa needs to pay particular attention to the management of water, energy and waste.

Governance and Ethics

The King IV Code on Corporate Governance is in place and Boards are increasingly becoming alive to their fiduciary duties.

People Development

South Africa's reduced economic rating, together with emerging demands on the fiscus result in persistent pressure on entities to reduce the total cost of employment. Technology is reshaping the skills needed for the world of work and the demand for advanced cognitive skills, socio-behavioural skills and skill combinations associated with greater adaptability is rising.

Stakeholder Engagement

The organisation recognises and understands the important role that both internal and external stakeholders play in driving its vision and mission. Legal Aid SA works with a wide range of stakeholders and partners which includes the Ministry of Justice and Correctional Services, Parliament, stakeholders in the Justice Cluster, law clinics and advice offices, professional legal bodies including international legal bodies, National Treasury and other government departments, Judicare practitioners and Co-operation Partners, our employees and clients, NGOs and CBOs, advocacy groups and the media. The organisation is part of dedicated forums that promote dialogue and representations on access to justice through collaborations and partnerships to advance the legal interests of vulnerable groups in societies.

Internal Environment

Legal and Justice

In the 2019/20 financial year, Legal Aid SA provided legal assistance in 402,238 new criminal and civil matters and legal advice to 266,055 persons, totalling 668,293 persons assisted by the organisation. These matters comprised 351,061 (87%) new criminal legal matters and 51,177 (13%) new civil legal matters. The number of legal matters finalised was 374,367, and of these, 328,694 (88%) were criminal matters and 45,673 (12%) were civil matters. The Legal Aid SA national footprint consists of 64 Local Offices, 24 of which are situated in rural areas and 40 in urban areas and 64 Satellite Offices, 55 in rural areas and 9 in urban areas. All service delivery points were appropriately staffed during 2019-2020 with staff recruitment at 91,9% which was 2,571 staff at the end of the financial year. The staff turnover rate excluding Candidate Attorneys (CAs) was at 5.8%. The workforce component of Legal Aid South Africa is generally diverse, in line with annual targets to achieve employment equity goals.

Legal Aid SA criminal court coverage of District Courts is currently 86% and Regional Courts is 94%. All High Court matters requiring legal aid in criminal matters are covered. We have improved alignment of practitioner capacity to match court demand, however it is expected that going forward, we will be forced to further reduce our criminal court coverage at the lower courts due to reductions in budget. Civil legal aid services are provided based on a priority assessment in order to manage demand. Legal Aid SA has internal capacity and skills in criminal and civil litigation and the experience levels of practitioners has increased.

Feedback from court stakeholders and clients on practitioner quality is positive. The Stats SA Governance, Public Safety and Justice Survey 2018/19 found that people who were represented by Legal Aid lawyers reported an 89% satisfaction rate.

A mature legal services quality monitoring and intervention programme, as well as Judicare accreditation programme in place. Legal Aid SA has an advanced system of data collection and interventions to continuously enhance quality of legal aid services. The organisation is a valued role-player in the justice cluster; good partnerships are in place with legal NGOs, law clinics and community advice offices – all aimed at promoting access to justice. Budgets for Co-operation Partners have reduced due to budget shortfalls and continued budget shortfalls may have a further impact.

Women, Youth and People with Disabilities

Legal Aid SA provides legal services on a demand basis and this includes services to women, youth and people with disabilities. Children are a special vulnerable group and as such matters involving children receive priority and we have capacitated all our practitioners with training in dealing with matters involving children. Legal Aid SA has zero tolerance for gender-based violence and legal practitioners are committed to promoting justice for victims of crime.

Legal practices are aligned to the Constitution, ensuring the right to a fair trial and respect for human rights. Legal Aid South Africa participates in the National GBV Steering Committee which is tasked with implementing the National Strategic Plan on Gender-Based Violence and Femicide 2020-2030.

Youth unemployment remains a major socio-economic challenge and job creation is one of the national priorities flowing from the NDP. Legal Aid SA has a university outreach programme that aims to educate students on the career opportunities available to them to advance their legal careers, beginning with the CA Recruitment Programme. The organisation employs 300 CAs per annum. Employing CAs provides a skills base for legal practitioners within the organisation, provides entry to the legal profession to legal graduates and employing Black CAs and women CAs contributes to the transformation of the legal profession.

Financial

Legal Aid SA has strong financial controls in place. Financial reporting is aligned to Generally Recognised Accounting Practice (GRAP), resulting in 19 unqualified audits. Supply chain management policies and procedures are in place. Legal Aid SA uses its limited resources efficiently, ensuring a balanced budget despite budget shortfalls and possible cuts.

The MTEF 2021/22 to 2023/24 preliminary allocation letter received on 8 December 2020 indicates that there will be budget baseline reductions totalling R534 million over the MTEF period. Legal Aid SA is expected to reduce compensation to employees by R225, 768,000 and goods and services expenditure by R308, 902,000, over the MTEF period. The implementation of these baseline reductions will negatively impact on Legal Aid South Africa's ability to meet its constitutional mandate as there will be staff retrenchments and a consequent reduction in the delivery of legal aid services and coverage of courts.

Technology

Business intelligence systems are in place to enable accurate reporting and digitised management information further ensures data integrity. A Cyber Security Policy and Plan is in place to mitigate risks.

Technology and Legal

The development of the electronic Legal Aid Administration (eLAA) system was implemented in the third quarter of 2019/2020. Business intelligence systems are in place for Legal Aid SA core applications (eLAA, SYSPRO and SAP) and data is used to drive operational efficiency and competitive advantage.

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

Governance and Ethics

Legal Aid SA has a fully functional governing Board in place, appointed for a five-year term from 2018/19-2022/23. Ethics programmes are conducted and a register of interests is maintained for all staff. King IV is embraced in organisational policies and procedures and implemented and effective governance instruments are in place.

People Development

Legal Aid SA has innovative people management practices, high levels of employee retention with low levels of turnover. The organisation has received Top Employer SA accreditation of Legal Aid SA talent management practices. Reductions in the Total Cost of Employment and talent management programme budgets for Legal Aid SA resulted in financial rewards and benefits being rightsized and cut to a minimum with no funding for new posts. This has led to growing dissatisfaction with the Employment Value Proposition (EVP) offering due to reductions but offers an opportunity to refocus and segment the EVP.

An Employment Equity Audit was conducted in 2019 in order to prepare the next five-year Employment Equity Plan, 2020-2025. The most prominent areas of under-representation are that of African females at the top management and senior management levels. Employees with disabilities represent 1,75% of the total workforce, target is 2%. The organisation will implement strategies to address these challenges.

COVID-19

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

Impact of COVID-19

- i. Court operations were impacted by the COVID-19 Lockdown and as a result less clients were assisted in criminal and civil matters. All courts that were operational during the Lockdown were covered by Legal Aid SA practitioners.
- ii. General legal advice services were not available under Level 5 of the National Lockdown. Under Levels 4 and 3, general advice was available through the Legal Aid Advice Line for matters permitted in terms of the Regulations and Court Directions. General advice services at Local and Satellite Offices were restricted and only available by prior appointment.
- iii. The Legal Aid SA budget was reduced by R23 million to contribute to the COVID-19 fund.
- iv. COVID-19-related expenditure was funded from savings raised from the current budget.
- v. As a result of the COVID-19 pandemic, Board and Committee meetings were rescheduled and were held electronically.
- vi. Training has been affected by COVID-19 pandemic – low training hours.
- vii. Leave provision as at Q2 2020/21 recorded at R84, 381,073, which is 26% higher when compared with Q2 2019/20.

The outlook for the future in terms of financial challenges remains uncertain in the long-term and Legal Aid SA must continue to manage the budget carefully. 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. The organisation 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.

3. PART C: MEASURING OUR PERFORMANCE

3.1. Institutional Programme Performance Information

Part C: Measuring our Performance
5. Institutional Programme Performance Information

Annual Performance Plan 2021-2022
Client, Community, Stakeholder and Shareholder Programmes

Objectives/Strategies/Programme Nos.	Programme	Programme Purpose	Outcome	Outputs	Output Indicators	Annual Target	Quarterly Targets				Annual Targets						Key Risk	Risk mitigation	Proof of Delivery	Budget	Dependencies	RESPONSIBLE EXECUTIVE			
											Audited/Actual Performance			MTEF Period											
							Q1	Q2	Q3	Q4	2017/18	2018/19	2019/20	2021/22	2022/23	2023/24									
Objective 1	Empowered clients and communities making informed choices about their legal matters, rights and responsibilities.																								NOE
Outcome 1	Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.																				1,479,364,394			NOE	
P1	To deliver quality legal aid services in criminal matters that are client-focused, within available resources.																				1,245,546,479			NOE	
P1-1	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 MARs by internal practitioners Planned coverage only for Judicare only and Agency Agreement covered Courts (excl. coverage via Judicare and Agency Agreements)	Average DC coverage: ≥ 80% Average RC coverage: ≥ 90% HC Coverage: All legal aid matters covered	DC: ≥ 80% RC: ≥ 90%	DC: ≥ 80% RC: ≥ 90%	DC: ≥ 80% RC: ≥ 90%	DC: ≥ 80% RC: ≥ 90%	Total New Criminal Matters: 371,202 Average DC coverage: ≥83% Average RC coverage: ≥93% HC Coverage: All legal aid matters covered	Total New Criminal Matters: 362,213 Average DC coverage: ≥84% Average RC coverage: ≥94% HC Coverage: All legal aid matters covered	LO court coverage plans are reviewed bi-annually to ensure coverage of all criminal courts. We had 86% planned coverage of DCs as at the end of FY 2019-2020. A practitioner per court model was used in DCs. A practitioner per court model was used in RCs. Our RC planned coverage at the end of FY 2019-2020 was 94%. A central court roll model was in place for HC coverage and representation was provided in all matters that required legal aid.	Planned Coverage Targets: Average DC coverage: ≥ 80% Average RC coverage: ≥90% HC Coverage: All legal aid matters covered	Planned Coverage Targets: Average DC coverage: ≥ 80% Average RC coverage: ≥90% HC Coverage: All legal aid matters covered	Planned Coverage Targets: Average DC coverage: ≥ 80% Average RC coverage: ≥90% HC Coverage: All legal aid matters covered	Accused persons not legally represented at their trials.	Court Coverage Plans	Court Coverage Plan Actual Court Coverage Report;	1,159,405,909	No reduction in budget	NOE			
Objective 2	All indigent and vulnerable members of society have equal access to public funded legal services to protect and defend their rights.																								CLE
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.																				166,933,018			CLE	
P2	Deliver quality civil legal aid services that are client-focused, with a priority for constitutional rights, within available resources.																				166,933,018			CLE	
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	I. Local Office: ≥90% of civil practitioner target (@ recruitment rate of 95%) II. Judicare: ≥10% are civil matters III. Co-op: 5 672 New Matters - TBC	Total: 11,983 Internal: 11,293 Judicare: 280 Co-op: TBC	Total: 11,983 Internal: 11,293 Judicare: 280 Co-op: TBC	Total: 11,983 Internal: 11,293 Judicare: 280 Co-op: TBC	Total: 11,983 Internal: 11,293 Judicare: 280 Co-op: TBC	Total New Civil Matters: 55,415	Total New Civil Matters: 53,990	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.	Total: 48,463 Internal: 45,625 Judicare: 1,120 Co-op: 1,718	Total: 48,983 Internal: 46,080 Judicare: 1,120 Co-op: 1,783	Total: 49,444 Internal: 46,541 Judicare: 1,120 Co-op: 1,783	Inadequate delivery of Civil Legal services Inability to meet demand for land related matters.	Practitioner productivity monitoring programmes Build capacity to deal with legal representation in land related matters	Civil recruitment statistics; Civil matters statistics (new and finalised)	166,632,118	No reduction in Budget Civil Mandate remains as currently contained in the Legal Aid Regulations	CLE			
Outcome 3	Quality client-focused legal advice services.																				61,036,372			CLE	
P3	To deliver quality legal advice services that are client-focused, within available resources.																							CLE	
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 advice service provided at all Local Offices.	General legal advice services	General advice service available at all Legal Aid SA offices Growth in legal advice matters: 0% over previous financial year (target set at 0% subject to demand and available capacity)	69,111	69,111	69,111	69,111	Advice Matters: 305,239	Advice Matters: 308,050	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.	276,444	276,444	276,444	General advice demand not met because of lack of awareness	General Advice SOP: Civil Supervision SOP: Increasing awareness	General advice stats; Advice Line stats	61,036,372	Client Demand for Advice Services	CLE			

Objectives/Strategies/Programmes/Programme Nos.	Programme	Programme Purpose	Outcome	Outputs	Output Indicators	Annual Target	Quarterly Targets				Annual Targets						Key Risk	Risk mitigation	Proof of Delivery	Budget	Dependencies	RESPONSIBLE EXECUTIVE								
											Audited/Actual Performance			MTEF Period																
							Q1	Q2	Q3	Q4	2017/18	2018/19	2019/20	2021/22	2022/23	2023/24														
Objective 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.																									5,000,000		CLE		
P4	To undertake strategic litigation, particularly in social justice related matters in order to give content to the rights enshrined in the constitution.																									5,000,000		CLE		
P4-1	Strategic litigation addressing social justice	Provide legal representation to clients in strategic litigation matters relating to constitutional and socio-economic 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	4 per quarter (16 matters)	4 new matters	4 new matters	4 new matters	4 new matters	New Impact Matters: 25	New Impact Matters: 30	In 2019-2020, the Impact Litigation Unit has 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. 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.	4 new matters	4 new matters	4 new matters	Outcome of impact matters not satisfactory; Appropriate impact matters not identified and taken on.	CCMC oversight of impact matters	Impact matter statistics; Impact Litigation Matter Report	5,000,000	No Reduction in Budget Sufficient matters submitted for assessment Approval of matters by CCMC	CLE								
Objective 3	A fair, efficient and effective justice system that ensures equal access to justice for all.																										CLE			
Outcome 5	Contribute to the effective functioning of the justice and legal sector thereby promoting the rule of law and increasing access to justice																											CLE		
P5	To participate in justice cluster forums to contribute to improving the efficient functioning of the justice system to improve access to justice.																											CLE		
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	≥ 90% attendance of all at NEEC and PEEC meetings as per meeting schedules	X	X	X	X	NEEC Meetings: 1 PEEC Meetings: 29	NEEC Meetings: 1 PEEC Meetings: 36	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.	Attendance at NEEC and PEEC meetings as per meeting schedules	Attendance at NEEC and PEEC meetings as per meeting schedules	Attendance at NEEC and PEEC meetings as per meeting schedules	Incomplete/insufficient data t to monitor efficiency of Justice System.	Facilitating of common indicators across the sector.	Meeting Records		Stakeholder relationships	NOE/ CLE								
Objective 4	Delivering on our constitutional and statutory mandate thereby ensuring equal access to justice for all, in an independent, accountable and sustainable manner																												BS	
Outcome 6	Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.																										848,524		BS	
P6	To account and provide assurance to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on performance, governance and sustainability																											848,524		BS
P6-1	Reporting and accountability to the Executive Authority	Report to Executive Authority and Parliament on Legal Aid SA's performance for the four (4) 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	4 quarterly performance reports; 1 Annual Report.	Accurate quarterly and annual reports submitted timeously to the Executive Authority	4 quarterly performance reports submitted within one month of the end of the quarter. 1 Annual Report	1 Quarterly Report	1 Quarterly Report	1 Quarterly Report	1 Quarterly Report	4 Quarterly Reports 1 Annual Report	4 Quarterly Reports 1 Annual Report	In the 2019-2020 FY: Four (4) x Report on Performance against Annual Performance Plan for 2019-2020 submitted to the EA. One (1) x Annual Report 2018-2019 was submitted to the Executive Authority, National Treasury, Auditor-General and tabled in Parliament timeously. Two (2) x briefing sessions of the Portfolio Committee were held in the 2019-2020 FY. Legal Aid SA responded timeously to all Parliamentary Questions received.	4 quarterly performance reports submitted within one month of the end of the quarter. 1 Annual Report	4 quarterly performance reports submitted within one month of the end of the quarter. 1 Annual Report		Failure to account to the Executive Authority & Parliament	Oversight by Board to ensure quarterly performance reports and Annual Report are finalised and submitted to the Executive Authority		814,968		BS								

Part C: Measuring our Performance

5. Institutional Programme Performance Information

Annual Performance Plan 2020-2021

Finance and Sustainability Programmes

PART C:

Programme Nos.	Programme	Programme Purpose	Outcome	Outputs	Output Indicators	Annual Target	Quarterly Targets				Annual Targets						Key Risk	Risk mitigation	Proof of Delivery	Budget	Dependencies	RESPONSIBLE EXECUTIVE								
											Audited/Actual Performance			MTEF Period																
							Q1	Q2	Q3	Q4	2017/18	2018/19	2019/20	2021/22	2022/23	2023/24														
Objective 5	An organisation re-inventing and embedding sustainable and agile practices in every segment to positively impact on society, the economy and the environment																											CFO		
Outcome 7	Improve financial sustainability and manage the reductions to the budget.																									32,499,944		CFO		
P7	To continuously improve financial planning (budgeting) including managing the budget cuts to ensure a balanced budget.																										-		CFO	
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	Balanced budget (in consideration of government grant allocation and available cash reserves for Legal Aid SA).			Prepare MTEF 2022/23 - 2024/25 aligned to Strategic Plan	Prepare MTEF 2022/23 - 2024/25 aligned to Strategic Plan	Prepared MTEF2018/19-2020/21 aligned to Strategic Plan	Prepared MTEF2019/20-2021/22 aligned to Strategic Plan	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%.	Balanced budget (in consideration of government grant allocation and available cash reserves for Legal Aid SA).	Balanced budget (in consideration of government grant allocation and available cash reserves for Legal Aid SA).	Balanced budget (in consideration of government grant allocation and available cash reserves for Legal Aid SA).	Budget cuts during the 5 year SP period and/or no additional funding allocated to Legal Aid SA.	Lobby government for additional funding	Approved MTEF 2022/23 - 2024/25 Approved Budget- 2022/23		Allocation Letter	CFO								
P8	Maintain strong and best practice financial management and reporting to ensure unqualified audit outcome and high financial maturity.																									5,540,495				
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	Annual and mid-year Financial Statements compliant with relevant standards and regulations	Annual Financial Statements compliant with relevant standards and regulations		Mid-year Financial Statements compliant with relevant standards and regulations		Prepared Annual Financial Statements that are compliant with the financial reporting framework and regulations	Prepared Annual Financial Statements that are compliant with the financial reporting framework 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 will be approved by the Board at the May 2020 meeting.	Annual and mid-year Financial Statements compliant with relevant standards and regulations	Annual and mid-year Financial Statements compliant with relevant standards and regulations	Annual and mid-year Financial Statements compliant with relevant standards and regulations	Qualified audit reports from the A.G.	Implement Internal Control Framework; Quality check Financial Statements; Keep abreast of developments in finance reporting standards	Annual Financial Statements; Mid-year Financial Statements; Quarterly Financial Statements	5,540,495		CFO								
Objective 6	Sustaining good governance, best practices and maintaining high ethical standards and integrity, high performance and accountability																												COO	
Outcome 8	Maintain and enhance good governance.																										24,633,316		COO	
P9	To maintain best governance practices (PFMA compliance, King IV guidelines and other relevant statutory requirements).																											24,633,316		COO
P9-1	Compliance with statutory requirements	Governance practices within Legal Aid SA fully compliant to 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 PFMA	100% compliance with statutory requirements	100%	100%	100%	100%	Materially compliant with relevant legislation	Materially compliant with relevant legislation	Revised quarterly compliance checklists in place. Statutory compliance signed off by Executives. Quarterly Compliance Report presented to the Board.	100% compliance with statutory requirements	100% compliance with statutory requirements	100% compliance with statutory requirements	Corporate governance failure due to non adherence to King IV	i. Annual confirmation by Executives of their compliance responsibilities. ii. Monthly sign-off Executive Compliance Checklist. iii. Quarterly Compliance reports to the Board. On	i. One Annual confirmation by all Executives. ii. Twelve Monthly confirmations by all Executives iii. Four quarterly compliance reports. iv. Annual revised legislative universe. v. Updated legislative Checklist. vi Annual revised Compliance Policy and SOP's.	3,108,850	Auditor-General Report	CFO CRO								

Programme Nos	Programme	Programme Purpose	Outcome	Outputs	Output Indicators	Annual Target	Quarterly Targets				Annual Targets						Key Risk	Risk mitigation	Proof of Delivery	Budget	Dependencies	RESPONSIBLE EXECUTIVE
											Audited/Actual Performance				MTEF Period							
							Q1	Q2	Q3	Q4	2017/18	2018/19	2019/20	2021/22	2022/23							
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 and risk management.	Maintaining and enhancing good governance	One Annual Audit Coverage Plan; One Revised Mid-Year Audit Coverage Plan; Audit Reports issued as per the Audit Coverage Plan.	Delivery of annual Audit Coverage Plan	≥95% of Audit Coverage Plan delivered	34	27	35	40	167	166 99% of audit projects completed 6 additional projects completed total achievement 102%	One hundred and forty-four (144) 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 six projects were completed outside the approved coverage plan, translating to a total overall target achieved of 101%. One hundred and two (102) projects were completed by General Audit; 23 projects completed by Computer Audit and 19 projects completed by Forensic Audit.	≥95% of Audit Coverage Plan delivered	≥95% of Audit Coverage Plan delivered	≥95% of Audit Coverage Plan delivered	Poor quality audits finalised	Quality Assurance Programme in place		20,605,806		IAE
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	Properly constituted Board (in terms of Legal Aid SA Act, 2014)	Properly constituted Board (in terms of Legal Aid SA Act, 2014) and Board Decisions made timeously	Properly constituted Board (in terms of Legal Aid SA Act, 2014) and Board Decisions made timeously	Properly constituted Board (in terms of Legal Aid SA Act, 2014) and Board Decisions made timeously	Properly constituted Board (in terms of Legal Aid SA Act, 2014) and Board Decisions made timeously	5 Board Meetings Board fully constituted, functioning Board Committees in place	5 Board Meetings Board fully constituted, functioning Board Committees in place	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 six.	Properly constituted Board (in terms of Legal Aid SA Act, 2014) and fully functioning Board Board and Board Committees self-evaluation	Properly constituted Board (in terms of Legal Aid SA Act, 2014) and fully functioning Board Board and Board Committees self-evaluation	Properly constituted Board (in terms of Legal Aid SA Act, 2014) and fully functioning Board Board and Board Committees self-evaluation	Lack of effectiveness at Board level due to poor balance, poor understanding of role and poor focus.	Board Structure, Charter and Performance reviewed annually to ensure continuity and common understanding	reviewed Board Charters Board and Committees Minutes	818,000		BS

Part C: Measuring our Performance
5. Institutional Programme Performance Information

Annual Performance Plan 2020-2021
Internal Business Processes Programmes

Objectives/ Strategies/ Programme/ Nos.	Programme	Programme Purpose	Outcome	Outputs	Output Indicators	Annual Target	Quarterly Targets				Annual Targets						Key Risk	Risk mitigation	Proof of Delivery	Budget	Dependencies	RESPONSIBLE EXECUTIVE		
											Audited/Actual Performance			MTEF Period										
							Q1	Q2	Q3	Q4	2017/18	2018/19	2019/20	2021/22	2022/23	2023/24								
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 practices and is responsive to changes in the overall environment																					23,234,541		CLE
P12	Ensure that the Legal Aid Act, Legal Aid Regulations (policy) and Legal Aid Manual (procedures) are reviewed to ensure relevance to changes in the environment.																					2,034,834		CLE
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 the 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.	Legal Aid SA Act reviewed once every two years or as and when required				Legal Aid SA Act reviewed.		Proposed amendments to the Legal Aid SA Act will be incorporated in the 2019/2020 Judicial Matters Amendment Bill by DoJ&CD.	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.		Legal Aid SA Act reviewed once every two years or as and when required	Legal Aid SA Act reviewed once every two years or as and when required	Legal Aid SA Act becoming outdated and irrelevant	Periodic review and amendment of the Act	Report to Board; Promulgated Amendments to Act, where required	2,034,834	Executive Authority Agreement; Parliamentary Approval	CLE		
P12-2	Legal Aid Act (2014) Legal Aid Regulations (Policy)			Policy framework responsive to business needs	Legal Aid SA Regulations remain relevant and up to date.	Legal Aid Regulations reviewed at least once every 2 years or as and when required				Legal Aid Regulations reviewed		The Regulations came into operation on 29 March 2019, amending the Means Test as provided for in Regulation 27.	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.		Legal Aid Regulations reviewed at least once every 2 years or as and when required	Legal Aid Regulations reviewed at least once every 2 years or as and when required	Regulations/policy not responsive to client and community needs;	Periodic Review of policy by Board;	Report to Board; Promulgated Amendment to Regulations where required		Executive Authority Agreement; Parliamentary Approval	CLE		
P12-3	Legal Aid Manual (Procedures)				Organisational procedures remain relevant to business needs	Legal Aid manual updated	Annual review or as and when required				Legal Aid Manual reviewed		Revised Legal Aid Manual came into operation on 29 November 2018. In Q4, the Board approved the amendment to the Manual relating to payment for travel for Judicare practitioners.	Legal Aid Manual Version 3 came into operation on 1 June 2019 and Version 4 came into operation on 28 October 2019.	Annual review of Legal Aid Manual or as and when required	Annual review of Legal Aid Manual or as and when required	Annual review of Legal Aid Manual or as and when required	Legal Aid Manual not serving business needs.	Annual Review of procedures	Report to Board; Promulgated amendments to Manual where required		Executive Authority Approval	CLE	
Objective 8	An effective, efficient, economic and environmentally responsive supply chain management system supporting client services delivery and internal business processes.																							CFO
Outcome 10	Sustain strong financial management, supply chain and asset management practices informed by best practice.																					21,199,707		CFO
P13	To maintain an efficient supply chain management framework and practices.																					21,199,707		CFO
P13-1	Supply Chain Management	Maintaining 100% compliance with 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 PPPFA, PFMA and relevant NT regulations.	Compliance with PPPFA, PFMA and relevant NT regulations	100% compliance with PPPFA, PFMA and relevant NT regulations when acquiring goods and services, with specific focus on women, youth and people with disabilities.	100% compliance with PPPFA, PFMA and relevant NT regulations when acquiring goods and services, with specific focus on women, youth and people with disabilities.	100% compliance with PPPFA, PFMA and relevant NT regulations when acquiring goods and services, with specific focus on women, youth and people with disabilities.	100% compliance with PPPFA, PFMA and relevant NT regulations when acquiring goods and services, with specific focus on women, youth and people with disabilities.	100% compliance with PPPFA, PFMA and relevant NT regulations when acquiring goods and services, with specific focus on women, youth and people with disabilities.	Implemented Supply Chain Management Policy. Reported deviations above R1 million to National Treasury and the Auditor-General and these were submitted to the Board for noting. Approved deviations for bids above R1 million were submitted to National Treasury and the Auditor-General.	Implemented Supply Chain Management Policy. Reported deviations above R1 million to National Treasury and the Auditor-General and these were submitted to the Board for noting. Approved deviations for bids above R1 million were submitted to National Treasury and the Auditor-General.	Supply Chain Management Policy implemented to ensure 100% compliance with relevant SCM prescripts. There was irregular expenditure incurred for non-CSD registered Sheriffs and non-CSD/ non-tax compliant landlords for office leases. Reports on the acquisition of goods/ services in excess of R0,5 million, indicating compliance with PPPFA, PFMA and relevant NT regulations were presented to the Board on a quarterly basis. Quarterly tenders awarded including deviations were presented to the Board at its quarterly meetings.	Implement supply chain management policy and ensure 100% compliance with relevant SCM prescripts.	Implement supply chain management policy and ensure 100% compliance with relevant SCM prescripts.	Implement supply chain management policy and ensure 100% compliance with relevant SCM prescripts.	Non-compliance with PPPFA, PFMA and relevant NT regulations.	Implementation of Internal Control Framework including statutory compliance		21,199,707		CFO		

Part C: Measuring our Performance 5. Institutional Programme Performance Information																							
Annual Performance Plan 2020-2021 Employee and Organisational Capacity and Innovation and Learning Programmes																							
Programme Nos.	Programme	Programme Purpose	Outcome	Outputs	Output Indicators	Annual Target	Quarterly Targets				Annual Targets						Key Risk	Risk mitigation	Proof of Delivery	Budget	Dependencies	RESPONSIBLE EXECUTIVE	
											Audited/Actual Performance			MTEF Period									
							Q1	Q2	Q3	Q4	2017/18	2018/19	2019/20	2021/22	2022/23	2023/24							
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.																						NOE
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.																				541,882,867		NOE
P14	Appropriately staff all Legal Aid SA offices, within available resources.																				468,058,069.79		COO NOE
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	Recruitment at ≥95%	Recruitment levels at ≤96%	Recruitment levels at ≤96%	Recruitment levels at ≤96%	Recruitment levels at ≤96%	Staff recruitment: 95.1%.	Staff recruitment: 92.8%.	Staff recruitment at year end is at 91.9%. The staff turnover rate is at 5.78%.	Recruitment levels at ≤96%	Recruitment levels at ≤96%	Recruitment levels at ≤96%	i. Low levels of recruitment ii. Ineffective labour relations iii. Low levels of policy compliance	i. To effectively implement recruitment and retention programmes ii. Effective Labour relations iii. Compliance with policies		446,801,364		COO NOE CLE	
Objective 10	Knowledgeable, informed, self directed, and committed employees competently delivering the organisation's constitutional mandate and strategies in a sustainable manner.																						HRE
Outcome 12	Strengthen and continuously improve the quality and expertise for each segment of the national footprint.																				3,188,457		HRE
P15	To strengthen and continuously improve the quality and expertise for each segment of the national footprint.																						HRE
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.	ATP and ATR submitted to SASSETA in compliance with the Skills Development Act.	Submissions to comply with the Skills Development Act	Submission of the Workplace Skills Plan (WSP) and Annual Training Report (ATR) in compliance with the Skills Development Act	WSP & ATR submission 30th April 2020				Submission of the Workplace Skills Plan (WSP) and Annual Training Report (ATR) in compliance with the Skills Development Act	Workplace Skills Plan (WSP) and Annual Training Report (ATR) submitted 30 April 2018	The WSP and ATR submitted to SASSETA in compliance with the Skills Development Act. Submitted in Q1 as per statutory deadline.	Submission of the Workplace Skills Plan (WSP) and Annual Training Report (ATR) in compliance with the Skills Development Act	Submission of the Workplace Skills Plan (WSP) and Annual Training Report (ATR) in compliance with the Skills Development Act		Legal Aid SA non compliant with SD Act	Functional Committee in place		127,234		HRE	
P15.2	Employment Equity			Diverse workforce in line with annual targets to achieve employment equity goals; EE Plan and Reports.	Targets defined nationally per performance, per Office and per Department as per approved Employment Equity Plan	Implementation of the approved Employment Equity (EE) Plan 2020-2025	EE PLAN 2020/2025 implemented 1st April 2020 African 79.20% Coloured 9.5% Indian 2.6% Coloured 9.5% White 8.6%	African 79.20% Coloured 9.5% Indian 2.6% White 8.6%	African 79.20% Coloured 9.5% Indian 2.6% White 8.6%	African 79.20% Coloured 9.5% Indian 2.6% White 8.6%	Coloured men and people challenged with disabilities are underrepresented groups. There is also a challenge with African females in the Senior, Top Management and Professional Levels.	Overall, African men, Coloured men and people challenged with disabilities are underrepresented groups. There is also a challenge with African females in the Senior, Top Management and Professional Levels. Disability recruitment grew from 0.9% to 1.75% of a target of 2%.	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 & Senior Management and Indian Males in the Skilled and Semi-skilled Levels are also a challenge as these groups are underrepresented.	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Implementation of the approved Employment Equity (EE) Plan 2020-2025		Legal Aid SA unable to achieve EE Targets	EE Plan implement with national and provincial targets		117,445		HRE HRE	
Objective 11	Embracing emerging technologies including the Fourth Industrial Revolution to optimise its impact on business and the provision of client services through emerging, responsive and adaptive IT environment.																						ISE
Outcome 13	Enhance and maintain an integrated and service and client-oriented and secured Information Technology system with capacity to integrate stakeholders.																				21,095,079		ISE
P16	Annual review and approval of IT strategy, IT Architecture Framework, IT Maturity and IT Policies with continuous maturity assessments for competitive advantage.																						ISE
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) Virtual Private Network (VPN)	VPN connected to all sites and available at 95% of the time	Migration of Diginet lines to newer technologies at al local offices	Migration of Diginet lines to newer technologies at al satellite offices	Replacement of the Core switches	Upgrade of all the local offices to 10Mbps	Upgrade all local and PO from 1 Mbps to 2Mbps	Average WAN availability for the FY 2018/19 was 94.38%.	Average network availability was 95.54% in the FY 2019-2020. This is in line with the performance target of 95%.	Employ Software Defined Network	VPN connected to all sites and available at 95% of the time	VPN connected to all sites and available at 95% of the time	Operations disruptions due to network unavailability.	Monthly review of Network availability reports in line with the SLA	WAN availability report	20,993,874		ISE	

Programme No.	Programme	Programme Purpose	Outcome	Outputs	Output Indicators	Annual Target	Quarterly Targets				Annual Targets						Key Risk	Risk mitigation	Proof of Delivery	Budget	Dependencies	RESPONSIBLE EXECUTIVE
											Audited/Actual Performance			MTEF Period								
							Q1	Q2	Q3	Q4	2017/18	2018/19	2019/20	2021/22	2022/23	2023/24						
P16-2	IT Hardware			Hardware available to support, maintain and sustain business needs.	Stable hardware platform able to meet performance and availability delivery	IT hardware capacity aligned to business needs and available 99% of the time	Replace the outdated backup hardware device	Upgrade the Disaster Recovery Infrastructure	Replace servers according to CARP	Assessment of the virtual environment for effective configuration	Servers are 99% virtualised and available 99% of the operational hours	The average server availability was 99.58% in FY 2018/19.	Average server availability for 2019-2020 was 99%, which is in line with the performance target.	IT hardware capacity aligned to business needs and available 99% of the time	IT hardware capacity aligned to business needs and available 99% of the time	Up to date server Infrastructure and available 99% of the time	Inadequate hardware infrastructure to meet user demands.	i. Up to date CARP ii. Monitoring and review of system utilisation reports	Server Hardware Availability Reports			ISE
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	IT software and applications fully integrated and available 99% of the time . IT software upgrade roadmap in place.	eLAA bugs identified and categorised for prioritisation MS License Renewal process completed	eLAA release 2 modules developed	eLAA release 2 modules tested for QA	eLAA release 2 modules successfully implemented	eLAA 2016 system development 98% completed.	Overall software and application availability was at 99.58%	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. 30 Local Offices upgraded to 10mbps. iv. Disaster recovery conducted in Q1 and Q3 of the FY. v. Average systems availability at 98%. vi. Cyber security assessment conducted and risks identified with the proposed road map.	IT software upgrade roadmap in place. Develop Legal Aid SA mobile application	IT software upgrade roadmap implemented	IT software and applications fully integrated and available 99% of the time .	Outdated IT software and applications	Upgrade IT software and applications as they become due	IT MIS including i. Report on new applications developed. ii. Number of enhancements on existing applications. iii. User satisfaction survey iv. Disaster recovery rehearsal report	101,205		ISE
P16-4	Cybersecurity			Resilient cybersecurity environment	Develop and maintain organisational cybersecurity metrics	Cybersecurity roadmap in place	Cyber Security Governance Framework in place	Cyber Security Risk watch developed	Cyber Security Risk Assessment Findings implemented	Staff training programme on Cyber Security issues in place		Cyber Security Strategic plan in place	Develop Cyber Security Governance Framework	Continuous vulnerability assessment and remediation	Implement the rest of the key controls of Cyber Security	Cyber Security Road Map implemented	exposure and losses of business assets and personal information of employees, clients and key stakeholders.	implement Cyber Security road map	Cyber Security Road Map implementation report	9,338,797		ISE ALL

3.2. Explanation of Planned performance over the Five Year Period

The impact as identified in the Legal Aid SA Strategic Plan 2020-2025 is “*equal access to justice to build a just society*”.

The Legal Aid SA programme outputs contribute to the organisation achieving the outcomes and impact as specified in the Strategic Plan 2020-2025, which are in alignment with the mandate of the organisation to enable access to justice to uphold the rights enshrined in our Constitution.

The objects of Legal Aid SA are:

- 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.*

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

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

Client, Community, Stakeholder and Shareholder

Programme 1: To deliver quality legal aid services in criminal matters that are client-focused, within available resources.

Legal Aid SA will provide legal aid in criminal matters to qualifying persons, as per the Constitutional mandate of Legal Aid SA. A Means Test, provided for in the Legal Aid Regulations (Policy), sets the threshold limits for persons to qualify for legal aid. Legal aid services will be provided through all courts dealing with criminal matters, namely, District Courts, Regional Courts and High Courts which are covered by Legal Aid SA through its practitioner per court model and demand-based court coverage. Specialised criminal courts will also be covered, including Sexual Offences Courts and Juvenile Courts.

Programme 2: Deliver quality civil legal aid services that are client-focused, with a priority for constitutional rights, within available resources.

Legal aid services in civil matters will be provided to indigent and vulnerable persons, with a focus on constitutional rights. Section 28(1)(h) of the Constitution read with Section 55 of the Children’s Act guarantees the right to legal representation for children in civil proceedings where substantial injustice would otherwise result.

In the delivery of legal services, Legal Aid SA will continue to use a mixed model delivery system which entails entering into strategic partnerships with legal practitioners in private practice through our Judicare and Agency Agreement model as well as with legal sector NGOs and University Law Clinics through Co-operation Agreements. The mixed model enables us to supplement our staff resources in order to facilitate easier access to justice for our clients. Legal services will continue to be provided through our national footprint of 64 Legal Aid SA Local Offices and 64 Legal Aid SA Satellite Offices, supported by 6 Legal Aid SA Provincial Offices, as well as our National Office.

Programme 3: To deliver quality legal advice services that are client-focused, within available resources.

Clients will be able to access legal advice through all Legal Aid SA Local Offices and Satellite Offices as well as the Legal Aid Advice Line and community outreach advice sites. The Legal Aid Advice Line makes it possible for clients, particularly those in rural areas, to access instant legal advice through a toll-free telephone service, enhancing their ability to access their rights.

Programme 4: To undertake strategic litigation, particularly in social justice related matters in order to give content to the rights enshrined in the constitution.

Legal representation will be provided in strategic litigation matters which relate to constitutional and socio-economic rights as well as the development of relevant jurisprudence. This ensures that the Constitution becomes a living document for indigent and vulnerable persons through the litigation of cases of constitutional importance.

Programme 5: To participate in justice cluster forums to contribute to improving the efficient functioning of the justice system to improve access to justice.

As a stakeholder in the Justice, Crime Prevention and Security Cluster, Legal Aid SA will participate in the Efficiency Enhancement Committees at National and Provincial level as well as other justice cluster stakeholder forums that contribute to the effective functioning of the courts and justice system. By meeting the objective of increased efficiencies in the justice system we ultimately contribute to the timeous finalisation of matters and clients improved confidence in the justice system.

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.

In adhering to good governance practices and the requirement to account to the Executive Authority and Parliament on the delivery of the mandate, governance and sustainability, Legal Aid SA will provide quarterly performance reports against its Annual Performance Plan and these reports will be submitted within 30 days after the end of the quarter. An Annual Report will be compiled and submitted within five months after the end of the financial year.

Finance and Sustainability

Programme 7: To continuously improve financial planning (budgeting) including managing the budget cuts to ensure a balanced budget.

Legal Aid SA will prepare budgets that are balanced for each year of the medium-term expenditure framework period, in order to improve financial sustainability and manage any reductions to the budget.

Programme 8: Maintain strong and best practice financial management and reporting to ensure unqualified audit outcome and high financial maturity.

The organisation will maintain strong financial management practices to ensure that there is no over-expenditure or under-expenditure on the budget. Financial reporting will be done through annual and mid-year financial statements that are compliant with relevant standards and regulations. Financial management and reporting processes will aim to achieve an unqualified audit and improve financial maturity.

Programme 9: To maintain best governance practices (PFMA compliance, King IV guidelines and other relevant statutory requirements).

To maintain and enhance good governance, Legal Aid SA will ensure compliance with statutory requirements including the Legal Aid South Africa Act and the PFMA. Statutory compliance will be monitored for compliance with deadlines, quarterly compliance reports and six monthly legislative universe reports will be prepared.

Programme 10: Maintain and enhance independent monitoring and oversight providing combined assurance.

An Annual Audit Coverage Plan as well as a revised Mid-Year Audit Coverage Plan will be prepared and implemented accordingly by the Internal Audit Department. Audit reports will be issued in accordance with the audit coverage plan. The Combined Assurance Framework will provide for assurance by management, the chief risk officer, internal audit and external audit.

Programme 11: An effective and strategic Board providing leadership and oversight of sustainable performance.

The organisation plans to maintain an effective and functional Board (Accounting Authority), constituted in terms of the Legal Aid SA Act (39 of 2014), which holds Board meetings as per its meeting schedules and is quorate in its meetings; approves governance instruments, provides strategic direction and maintains oversight of performance against the Strategic Plan and Annual Performance Plan.

Internal Business Processes

Programme 12: Ensure that the Legal Aid Act, Legal Aid Regulations (policy) and Legal Aid Manual (procedures) are reviewed to ensure relevance to changes in the environment.

In order to maintain a regulatory framework that incorporates best practices and is responsive to changes in the overall environment, the Legal Aid Act (2014) will be reviewed every two years (2020, 2022, 2024) or as and when required, the Regulations (Policy) will be reviewed at least every two years (2021, 2023, 2025) or as and when required and the Legal Aid Manual (Procedures) will be reviewed annually or as and when required.

Programme 13: To maintain an efficient supply chain management framework and practices.

To sustain strong financial management, supply chain and asset management Legal Aid SA has processes in place to comply with the PPPFA, PFMA, relevant National Treasury Regulations. Quarterly reports on compliance will be prepared.

Employee and Organisational Capacity and Innovation and Learning

Programme 14: Appropriately staff all Legal Aid SA offices, within available resources.

To ensure adequate staffing levels to meet operational requirements at all Legal Aid SA offices, the organisation will take into account the available budget and review staffing plans in line with the required recruitment level of $\geq 95\%$. This will enable the organisation to have the requisite capacity to render legal services to clients as per the mandate.

Programme 15: To strengthen and continuously improve the quality and expertise for each segment of the national footprint.

Legal Aid SA has to have a competent workforce capable of delivering strategic objectives and outcomes set in each year and accumulatively for the strategic planning period of 2020-2025. In accordance with the mandate, the organisation must deliver quality legal services and advice to clients and therefore ensure that legal practitioners have the required legal expertise is a priority. In compliance with the Skills Development Act the Workplace Skills Plan and Annual Training Report will be submitted to SASSETA annually in April.

The approved Employment Equity Plan for 2020-2025 will be implemented and reports on progress against the plan will be submitted.

Programme 16: Annual review and approval of IT strategy, IT Architecture Framework, IT Maturity and IT Policies with continuous maturity assessments for competitive advantage.

Given the technology developments related to the Fourth Industrial Revolution, Legal Aid SA will enhance and maintain an integrated and service and client-oriented and secured Information Technology system which is responsive to stakeholders. The IT Strategy will be reviewed annually and the IT Architecture Framework, IT Maturity and IT Policies will be assessed for competitive advantage. Particular attention will be paid to the cybersecurity environment.

3.3. Programme Resource Considerations

LEGAL AID SOUTH AFRICA

ANNUAL PERFORMANCE PLAN - 2021-2022

APP Overall Budget Trends (2021-2022 and MTEF period)

I Resources consideration per Programme over MTEF and Strategic Plan Period

II Resources consideration per Economic Classification over MTEF and Strategic Plan Period

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

IV Period

I Resources consideration per Programme over MTEF and Strategic Plan Period

Balance Scorecard Component	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
	Audited Outcomes			Adjusted Budget (Current)			
1 Client, Community, Stakeholder and Shareholder	1,326,584,666	1,367,649,555	1,471,632,532	1,466,404,584	1,458,592,285	1,521,765,345	1,439,298,265
2 Finance and Sustainability	27,044,975	27,432,448	31,835,189	33,806,949	37,059,008	38,541,369	35,458,059
3 Internal Business Processes	15,664,109	16,706,935	20,232,584	23,117,627	26,933,961	28,280,659	26,018,206
4 Employee and Organisational Capacity and Innovation and Learning	552,461,273	543,066,806	521,868,459	554,543,998	554,396,491	581,112,445	492,580,214
5 Additional Programmes		-	-	-			
Total budget allocations	1,921,755,023	1,954,855,744	2,045,568,764	2,077,873,157	2,076,981,745	2,169,699,818	1,993,354,745

II Resources consideration per Economic Classification over MTEF and Strategic Plan Period

		2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
	Audited Outcomes				Adjusted Budget (Current)			
1	Total salaries and related costs	1,393,267,692	1,420,182,837	1,535,357,222	1,607,408,879	1,673,213,347	1,701,771,744	1,511,914,376
	New funding (Child Justice Act and Children's Act)	-	-	-				
1.1								
1.2	New funding (case backlog top up)	-	-					
1.3	New funding (Court Expansion Programme)	22,000,000	14,534,913	15,508,752	-	-	-	-
1.4	Increase in legal capacity (civil capacity)	-	-	-				
2	Other Expenditure	130,419,333	121,687,510	114,222,850	125,195,548	109,352,644	152,708,518	161,324,186
3	Operating Expenditure	231,401,264	213,180,035	172,959,233	225,007,160	216,928,788	235,274,424	244,795,421
3.1	Contractual obligations	135,344,705	123,528,572	103,775,540	128,833,499	135,808,494	141,164,655	146,877,253
3.2	Non-contractual obligations	96,056,559	89,651,463	69,183,693	92,891,657	98,344,082	94,109,770	97,918,168
4	Capital Expenditure	55,886,551	25,854,054	32,353,958	86,467,825	43,693,220	46,151,386	41,527,018
4.1	Computer Hardware	10,247,642	8,395,221	13,655,165	17,478,563	13,001,351	12,459,774	12,574,832
4.2	Corporate IT		-	-	11,078,223	8,583,911	11,478,861	5,843,008
4.3	Land and Buildings	20,576,156	-	-				
4.4	Furniture and Equipment	774,628	1,121,525	2,738,896	1,249,408	-	-	-
4.5	Building Improvement	1,778,612	2,381,156	6,409,648	2,509,166	925,880	981,433	1,040,319
4.6	Leasehold Improvement	2,911,782	1,671,616	4,501,347	13,325,936	5,460,292	5,658,307	5,571,222
4.7	Motor Vehicles	12,485,611	4,738,037	5,048,901	26,941,278	12,527,581	12,219,095	12,976,026

4.8	Computer Software - eLAA System Development Funding	7,112,120	7,546,499	4,780,958	13,885,251	3,194,205	3,353,915	3,521,611
5	Total expenditure excluding depreciation	1,810,974,840	1,780,904,436	1,854,893,263	2,044,079,412	2,043,188,000	2,135,906,073	1,959,561,000
6	Depreciation	27,879,850	34,295,877	31,684,908	33,793,745	33,793,745	33,793,745	33,793,745
7	Total expenditure including depreciation	1,838,854,690	1,815,200,313	1,886,578,171	2,077,873,157	2,076,981,745	2,169,699,818	1,993,354,745
	Surplus/(Deficit)	116,001,054	248,275,719	158,990,592	0	-0	0	-0

III Expenditure Trends over MTEF and Strategic Plan Period

- i. National Treasury implemented budget reductions as per Allocation letter dated 3 December 2020. Legal Aid South Africa's grant allocation was reduced by R182 million in 2021/22, R230.8 million in 2022/23 and R121.8 million in 2023/24 fiscal years. The organisation had received an additional funding of R20 million for 2020/21, R25 million for 2021/22 and R30 million over the MTEF period 2020-23 however the funding for financial years 2020/21 and 21/22 were affected by the budget cuts implemented by National Treasury. The R30 million for 2022/23 will be allocated to courts with known backlogs with a view to its reduction and allocation of resources to our Local Offices where practitioner absence results in poor productivity at regional courts in particular.
- ii. The expenditure focus over the five-year period is on the delivery of legal services which is the core business of Legal Aid South Africa. More than 70% of Legal Aid SA's budget has been allocated to the Client and Community Component of the Balance Scorecard, which is directly linked to the delivery of legal services. This will continue to be the trend over the MTEF period. The balance of the budget is allocated towards programmes that support the delivery of legal services.
- iii. Budget constraints continue to affect the operations of Legal Aid South Africa. The salaries and related costs budget is also negatively impacted by the cost of living increases which are higher than the macro increases and these have to be absorbed within the baseline allocation.
- iv. The operating expenditure budget has been reduced over the past five-year period, except for expenditure linked to contractual obligations. After the reversal of the baseline reductions, operating expenditures was increased by 5%, a percentage that is in line with the Marco increase.
- v. Areas of funding pressures which are linked to contractual obligations are as follows:
 - a) Office accommodation
 - b) Escalations linked to contracts for security contracts and cleaning services
 - c) Substantial increases in municipal services rates and vehicle fuel
- vi. Only 2% of the budget has been allocated to capital expenditure. This is not adequate to replace assets as and when they fall due. Legal Aid SA has implemented measures to extend the lifespan of the assets, taking into account the current budget constraints.

IV Staff Trends over MTEF and Strategic Plan Period

POST CATEGORY	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
	Audited outcomes (filled posts)			Filled posts as at 30 September 2020			
i. Legal professionals (legal practitioners including Paralegals)	2,084	2,022	2,025	2,190	2,190	2,190	2,190
ii. Non-legal staff	543	535	546	609	609	609	609
iii. TOTAL (recruited staff)	2,627	2,557	2,571	2,539	2,743	2,743	2,743
iv. Staff establishment at 31 March annually	2,761	2,756	2,799	2,799	2,799	2,799	2,799
v. Includes new/additional posts (refer to note i)	0			0	84	0	0
vi. Staff recruitment (against staff establishment)	95.1%	92.8%	91.9%	90.7%	98.0%	98.0%	98.0%

Notes on Staff Trends

- i. In the 2020/21 financial year, 42 positions were identified for abolishment in order to align the organisational structure to the salaries budget. Separately from the 42 positions, 84 new positions were created. The total establishment for the 2020/21 financial year is 2,799 positions.

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APP Overall Budget Trends (2020/21 and MTEF Period)

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

V(I) [Resources consideration](#)

		2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
	Client, Community, Stakeholder and Shareholder	Audited OutcomeBudget			Adjusted Budget (Current)	Medium Term allocations/estimates		
1	Client, Community, Stakeholder and Shareholder	1,326,584,666	1,367,649,555	1,471,632,532	1,466,404,584	1,458,592,285	1,521,765,345	1,439,298,265
P1	To deliver quality criminal legal aid services that are client-focused, within budget constraints	1,116,306,719	1,154,731,562	1,196,732,585	1,138,844,538	1,144,899,230	1,190,695,199	1,123,088,355
P2	Deliver quality civil legal aid services that are client-focused, with a priority for constitutional rights, within budget constraints	136,182,590	137,117,913	180,746,117	190,089,052	183,845,237	193,679,937	189,806,338
III	To increase access points to civil legal aid and respond to needs of the rural poor and different vulnerable groups	-	-	-				-
P3	To deliver (increase access) quality legal advice services that are client-focused, within budget constraints	50,687,996	56,950,324	82,166,690	114,223,261	115,507,726	122,333,113	112,546,464
P4	To give content to the Constitution through impact litigation – which is able to address constitutional rights and socio-economic rights and develop jurisprudence on social justice matters	14,547,800	12,197,776	6,849,189	16,788,622	7,558,026	7,935,927	7,301,053
VII	To explore, develop and implement new alternative dispute resolution options to improve access to justice							-
P5	To participate in, contribute to and influence structures aimed at improving the functioning of courts and justice system	8,500,274	6,621,980	5,107,951	6,427,153	6,748,511	7,085,936	6,519,061
VIII	To implement recommendations of the Criminal and Civil Justice Reviews		-		-			
IX	To improve the functioning of the justice and legal sector by building stronger and effective partnerships with stakeholders in the justice sector	-	-		-			
X	Improve awareness, inform and educate communities on constitutional rights and responsibilities							
XI	Increasing co-operation with and accountability to stakeholders							
XII	Increasing access to justice through partnerships with civil society organisations and the legal fraternity (including pro bono)	-	-		-			

XIII	Supporting developing legal aid agencies (within and outside the country)	-	-		-			
P6	To account and provide assurance to the Department of Justice and Correctional Services, and Parliament, on performance and governance	264,492	359,287	30,000	31,958	33,556	35,234	36,995
	Total Budget Allocation	1,326,489,871	1,367,978,842	1,471,632,532	1,466,404,584	1,458,592,285	1,521,765,345	1,439,298,265

Programmes indicated with Roman numerals relate to prior years

V(II) Budget allocations per Economic Classifications over the MTEF Period

		2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
		Adjusted Budget (Current)			Adjusted Budget (Current)	Medium Term allocations/estimates		
1	Total salaries and related costs	1,109,865,281	1,134,614,153	1,265,020,590	1,341,209,037	1,349,239,642	1,369,056,827	1,277,974,080
2	New funding (Court Expansion Programme)	22,000,000	22,000,000	15,508,752	-	-	-	-
3	Other Expenditure	132,873,201	123,258,907	114,222,850	125,195,547	109,352,643	152,708,518	161,324,186
3.1	Judicare	106,268,502	101,668,849	96,310,311	87,370,638	83,731,498	123,715,354	131,987,306
3.2	Disbursement	6,596,877	6,844,090	7,830,192	7,722,954	7,174,358	7,827,541	7,830,871
3.3	Expert Witnesses	1,102,110	1,102,110	991,556	1,570,469	1,479,613	1,590,855	1,590,855
3.4	Co-operation Agreement	12,733,215	11,373,764	6,830,313	9,207,204	10,285,414	10,527,295	10,867,680
3.5	Impact Litigation	4,820,739	1,800,807	1,599,327	16,788,622	5,000,000	7,198,120	7,198,120
3.6	Travel and Circuit Courts	1,351,758	469,287	661,151	2,535,660	1,681,760	1,849,354	1,849,354
4	Total Expenditure for the Balance Scorecard Component	1,242,738,482	1,257,873,060	1,379,243,440	1,466,404,584	1,458,592,285	1,521,765,345	1,439,298,266
	Surplus/(Deficit)	83,751,390	110,105,782	92,389,092	0	(0)	(0)	(0)

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

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

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APP Overall Budget Trends (2021/22 and MTEF Period)

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

VI(I) Resources consideration

		2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
		Budget			Adjusted Budget (Current)	Medium Term allocations/estimates		
	Finance and Sustainability							
2	Finance and Sustainability	25,430,747	27,432,448	31,835,189	33,806,949	37,059,008	38,541,369	35,458,059
P7	To improve financial planning (budgeting), including managing the budget cuts to ensure a balanced budget	1,508,818	2,340,737	2,456,395	3,189,540	3,412,807	3,617,576	3,328,169.72
P8	Ensure strong and best practice financial reporting to ensure unqualified audit and optimum financial maturity	4,147,112	4,395,939	5,698,112	6,606,677	7,069,145	7,493,293.44	6,893,829.96
XIV	Sustainable government grant funding	-	-	-	-	-		
XV	Client contributions and other revenue streams	-	-	-	-	-		
XVI	Increasing sustainable (non-financial) and integrated performance and reporting	-	-	-	-	-		
XVII	Sustainable corporate policies and practices	-	-	-	-	-		
XVIII	Improve and maintain risk management to optimum maturity level	-	-	-	-	-		
XIX	Maintain fraud management practices	-	-	-	-	-		
P9	To ensure best governance practices (PFMA compliance, King IV guidelines & other relevant statutory requirements)	1,097,375	2,364,479	2,997,496	3,108,850	3,295,381	3,493,104	3,213,656

XX	An effective and strategic Board providing leadership and oversight of delivery on performance	-	-	-				-
P10	Independent monitoring and oversight unit providing combined assurance	19,132,153	17,631,293	19,943,986	20,125,722	22,466,707	23,081,679	21,235,145
P11	An effective and strategic Board providing leadership and oversight of delivery on performance	1,159,517	700,000	739,200	776,160	814,968	855,716	787,259
	Total Budget Allocation	25,430,747	27,432,448	31,835,189	33,806,949	37,059,008	38,541,369	35,458,059

Programmes indicated with Roman numerals relate to prior years

VI(II) Budget allocations per Economic Classifications over the MTEF Period

		2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
	Budget				Adjusted Budget (Current)	Medium Term allocations/estimates		
1	Total salaries and related costs	18,903,922	22,494,394	26,442,426	23,358,250	26,524,268	30,512,213	27,027,446
2	Operating Expenditure	4,515,087	4,938,054	5,392,763	7,282,681	7,646,815	8,029,156	8,430,614
2.1	Contractual obligations	-	-	-	-	-	-	-
2.2	Non-contractual obligations	4,515,087	4,938,054	5,392,763	7,282,681	7,646,815	8,029,156	8,430,614
	Total Expenditure for the Balance							
3	Scorecard Component	25,430,747	27,432,448	31,835,189	30,640,932	34,171,083	38,541,369	35,458,060
	Surplus/(Deficit)	-	-	-	-	-	-0	-0

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

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

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APP Overall Budget Trends (2021/22 and MTEF Period)

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

VII(I) Resources consideration

		2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2021/2023	2023/2024
		Budget			Adjusted Budget (Current)	Medium Term allocations/estimates		
Business Processes (Internal)								
	3 Business Processes (Internal)	15,664,109	16,706,935	20,232,584	23,117,627	26,933,961	28,280,659	26,018,206
XXI	To adjust the mixed model service delivery model to improve court coverage and delivery		-	-	-	-	-	-
XXII	To review and improve on matrix and risk-based management		-	-	-	-	-	-
XXIII	To refine and develop legal service delivery and support models to improve sustainability. Efficiency and effectiveness of delivery and functioning of the justice system		-	-	-	-	-	-
P12	Ensure the implementation of the rewritten Legal Aid Act and the gazetting/implementation of the Legal Aid Regulations (policy) and Legal Aid Manual (procedures)	952,778	1,009,945	1,105,329	1,917,919	2,674,268	2,807,982	2,583,343
P13	To maintain a strong supply chain management framework and practices	14,711,331	15,696,990	19,127,256	21,199,707	24,259,693	25,472,677	23,434,863
XXIV	Ensuring good financial management		-	-	-	-	-	-
XXV	Maintain integrated, accurate and timeous management information (support and legal functions)		-	-	-	-	-	-
	Total Budget Allocation	15,664,109	16,706,935	20,232,584	23,117,627	26,933,961	28,280,659	26,018,206

Programmes indicated with Roman numerals relate to prior years

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

		2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2021/2023	2023/2024
	Budget				Adjusted Budget (Current)	Medium Term allocations/estimates		
1 Total salaries and related costs	10,967,957	11,017,596	13,590,624	16,041,968	19,363,006	20,331,156	18,704,664	
14 New funding (Child Just Act and Childrens Act)	-	-	-	-	-	-	-	
15 New funding (case backlog top up)	-	-	-	-	-	-	-	
16 New funding (Court Expansion Programme)	-	-	-	-	-	-	-	
17 Increase in Legal capacity (civil capacity)	-	-	-	-	-	-	-	
18 New funding (COLI)	-	-	-	-	-	-	-	
2 Operating Expenditure	4,696,152	5,689,339	6,641,960	7,075,659	7,570,955	7,949,503	7,313,543	
2.1 Contractual obligations	3,743,374	4,705,587	5,536,632	5,338,869	5,712,590	5,998,219	5,518,362	
2.2 Non-contractual obligations	952,778	983,752	1,105,329	1,736,790	1,858,365	1,951,283	1,795,181	
Total Expenditure for the Balance Scorecard								
3 Component	15,664,109	16,706,935	20,232,584	23,117,626	26,933,961	28,280,659	26,018,206	
Surplus/(Deficit)	-	-	-	-	-0	0	-0	

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

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

LEGAL AID SOUTH AFRICA

ANNUAL PERFORMANCE PLAN 2021-2022

APP Overall Budget Trends (2021/22 and MTEF Period)

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

VIII(I) Resources consideration

		2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
	Employee and Organisational Capacity and Innovation and Learning	Budget			Adjusted Budget (Current)	Medium Term allocations/estimates		
	Employee and Organisational Capacity and Innovation and Learning	552,461,273	543,066,806	521,868,459	554,543,998	554,396,491	581,112,445	492,580,214
XXVI	Expand and maintain the national footprint, including the physical and ICT service points, to improve access, especially in rural areas	-	-	-				
XXVII	Building a segment of the national footprint which in partnership with other delivery/supply agents (including pro bono) improve access to justice	-	-	-				
P14	Appropriately staff all service delivery points	450,084,834	449,555,619	420,494,694	452,446,849	449,895,082	473,475,994	388,374,440
XXVIII	To implement interventions to improve and monitor the quality of legal services to deliver desired outcomes	-	-	-				
P15	To strengthen and improve organisational competences and expertise required for delivery of quality outcomes	55,056,765	52,282,673	57,433,971	57,707,395	58,779,962	60,543,361	55,699,891.99
XXIX	Legal research undertaken to support delivery of quality legal services, to inform legal aid policy and protect client's rights	-	-	-				
XXX	Legal support interventions implemented to support delivery of quality legal service (including legal resources and experts)	-	-	-				
XXXI	Independent Legal Quality Assurance (LQA)	-	-	-				

XXXII	Talent and career management (including recruitment and succession planning)	-	-	-				
XXXIII	Competency and skills development	-	-	-				
XXXIV	Build a learning and innovative organisation (including implementation of a knowledge management strategy)	-	-	-				
XXXV	Employer brand	-	-	-				
XXXVI	Employee Value Proposition		-	-				
XXXVII	Maintain a Competitive Rewards and Remuneration System		-	-				
XXXVIII	Develop and maintain a value-based leadership pipeline	-	-	-				
P16	Maintain a modern IT Platform (including hardware, software, middleware and IT network infrastructure)	47,319,674	41,228,514	43,939,795	44,389,754	45,721,447	47,093,090	48,505,883
XXXIX	Modernise Information and Communication Technology (ICT) client platform for effective social media networking							
	Additional Programmes							
	Total Budget Allocation	552,461,273	543,066,806	521,868,459	554,543,998	554,396,491	581,112,445	492,580,214

Programmes indicated with Roman numerals relate to prior years

VIII(II) Budget allocations per Economic Classifications over the MTEF Period								
		2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
		Adjusted Budget			Adjusted Budget (Current)	Medium Term allocations/estimates		
1	Total salaries and related costs	222,701,826	219,338,456	230,303,583	234,601,593	241,404,762	248,077,803	154,414,442
14	New funding (Child Just Act and Childrens Act)				-	-		
15	New funding (case backlog top up)				-	-		
16	New funding (Court Expansion Programme)				-	-		
17	Increase in Legal capacity (civil capacity)				-	-		
18	New funding (COLI)				-	-		
2	Operating Expenditure	222,190,025	224,445,189	156,143,552	189,680,835	235,504,763	253,089,510	262,845,010
2.1	Contractual obligations	133,314,015	135,197,825	93,686,131	113,808,501	141,302,858	197,694,000	207,578,700
2.2	Non-contractual obligations	88,876,010	89,247,365	62,457,420.77	75,872,334	94,201,905	14,384,929	15,104,175
3	Capital Expenditure	55,886,551	25,494,054	37,134,916	86,467,825	43,693,220	46,151,386	41,527,018
3.1	Computer Hardware	10,247,642	8,395,221	13,655,165	17,478,563	13,001,351	12,459,774	12,574,832
3.2	Corporate IT	-	-		11,078,223	8,583,911	11,478,861	5,843,008
3.3	Land and Buildings	20,576,156	-		-			
3.4	Furniture and Equipment	774,628	1,121,525	2,738,896	1,249,408			
3.5	Building Improvement	1,778,612	2,381,156	6,409,648	2,509,166	925,880	981,433	1,040,319
3.6	Leasehold Improvement	2,911,782	1,671,616	4,501,347	13,325,936	5,460,292	5,658,307	5,571,222
3.7	Motor Vehicles	12,485,611	4,378,037	5,048,901	26,941,278	12,527,581	12,219,095	12,976,026
3.8	Development Funding	7,112,120	7,546,499	4,780,958	13,885,251	3,194,205	3,353,915	3,521,611
	Total Expenditure for the Balance							
4	Scorecard Component	500,778,402	469,277,699	423,582,051	510,750,253	520,602,745	547,318,700	458,786,469
5	Depreciation	27,879,850	34,295,877	31,684,908	33,793,745	33,793,745	33,793,745	33,793,745
	Total Expenditure including							
6	Depreciation	528,658,252	503,573,576	455,266,959	544,543,998	554,396,490	581,112,445	492,580,214
	Surplus/(Deficit)	23,803,021	39,493,230	66,601,500	-	0	0	0

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

- i. The largest programme in this component consists of staffing costs for support employees.
- ii. The second largest programme relate to strengthening and improving organisational competences and expertise required for delivery of quality outcomes
- iii. The third largest programme relates to the ICT infrastructure required to support the national footprint that delivers legal services.
- iv. All capital infrastructure is accounted for under this programme.
- v. With effect from 2015/2016, some sub-programmes were merged into one, resulting in fewer programmes in subsequent years of the MTEF.
- vi. Capital expenditure for the 2017/18 financial year is higher than the subsequent years due to approved rollover funding which includes the rollover for the procurement of buildings.

Links to long-term infrastructure plan

No.	Project name	Programme	Outputs	Project Start Date	Completion Date	Total Estimated Cost	Current Year Expenditure	Medium-term estimates		
								2021/22	2022/23	2023/24
Total new and replacement assets										
1. Building improvements										
Owned Land and Buildings				Building improvements	National office			925,880	981,433	1,040,319
Total Building improvements								824,030	824,030	1,040,319
2. Leasehold improvements										
Various leased offices				Leasehold improvements	Various Offices			5,460,292	5,658,307	5,571,222
Total Leasehold improvements								5,406,161	5,406,161	5,571,222
3.Maintenance and repairs										
Owned Land and Buildings				Maintenance and repairs	Various Offices			735,086	771,840	794,995
Total Maintenance and repairs								638,927	646,306	794,995

3.4. Key Risks and Mitigations from the Strategic Plan

Outcome	Key Risk	Risk Mitigation
<u>Outcome 1:</u> Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.	Accused persons not legally represented at their trials.	Court Coverage Plans
<u>Outcome 2:</u> Quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on constitutional rights	Inability to meet demand for civil legal aid services.	Practitioner Productivity Monitoring
<u>Outcome 3:</u> Quality client-focused legal advice services	Clients requiring legal advice unassisted; Poor quality of advice services.	General Advice SOP; Quality Assurance Programme
<u>Outcome 4:</u> Client-focused strategic litigation services in order to give content to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.	Appropriate strategic litigation matters not identified and taken on; Clients' rights not protected.	Links to NGOs and CBOs to identify strategic matters; Local Office civil managers include the identification of strategic litigation matters as part of their performance contracts
<u>Outcome 5:</u> Contribute to the effective functioning of the justice and legal sector thereby promoting the rule of law and increasing access to justice	Inefficient functioning of justice system.	Effective participation in all efficiency committees and other CJS Cluster stakeholder forums
<u>Outcome 6:</u> Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability	Failure to account to Ministry of Justice.	Oversight by Board to ensure quarterly performance reports and Annual Report are finalised and submitted to the Executive Authority timeously
<u>Outcome 7:</u> Improve financial sustainability and manage the reductions to the budget	Financial planning not aligned to Strategies; Qualified audit reports from the A-G.	Budget to be aligned to Strategy; Implement Internal Control Framework;

Outcome	Key Risk	Risk Mitigation
		Quality check Financial Statements; Keep abreast of developments in finance reporting standards
<u>Outcome 8:</u> Maintain and enhance good governance	Non-compliance with statutory requirements. Lack of effectiveness at Board level due to poor balance, poor understanding of role and poor focus.	Monthly Statutory Compliance Checklists; Review of all new legislation, regulations and directives on a quarterly basis; Monthly Statutory Deadlines Webpage; SOPs for compliance Board Structure, Charter and Performance reviewed annually to ensure continuity and common understanding
<u>Outcome 9:</u> Maintain a regulatory framework that incorporates best practices and is responsive to changes in the overall environment	Legal Aid SA Act becoming outdated and irrelevant Regulations not responsive to client and community needs; Legal Aid Manual not serving business needs.	Board oversight Staff consultation on required amendments Shareholder buy-in
<u>Outcome 10:</u> Sustain strong financial management, supply chain and asset management practices informed by best practice	Non-compliance with PPPFA, PFMA and relevant NT regulations.	Implementation of Internal Control Framework including statutory compliance
<u>Outcome 11:</u> Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources	Low levels of recruitment impact negatively on client services. Insufficient funding for salaries.	Organisational structure aligned to strategic objectives and retention of scarce skills
<u>Outcome 12:</u> Strengthen and continuously improve the quality and	Legal Aid SA failing to comply with the Skills Development Act.	Timeous development and submission of the ATP and ATR

Outcome	Key Risk	Risk Mitigation
expertise for each segment of the national footprint	Legal Aid SA workforce not reflecting the demographics of South Africa.	Defined employment equity targets which inform recruitment and development activities
<u>Outcome 13:</u> Enhance and maintain an integrated and service-oriented and secured Information Technology system with capacity to integrate stakeholders	Budget constraints unable to meet WAN upgrade demand requirements; Insufficient capacity. Inadequate hardware to meet user demands. Outdated IT software and applications. Inadequate cybersecurity environment resulting in data and information loss	Monitor and review WAN utilisation and advise on need for upgrades Monitor and review System Utilisation Reports Review and re-align IT software and Applications with business objectives Review and update cybersecurity environment

Part D: TECHNICAL INDICATOR DESCRIPTION (TID)

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

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

Desired performance	Actual performance that is higher than targeted performance is desirable.
Indicator responsibility	CLE
Indicator Title	Number of clients assisted with general legal advice
Definition	Refers to the number of consultations in which Legal Aid SA provided legal advice.
Source of data	Our paralegals and staff providing legal advice capture the client details and advice details on the walk-in client webpage and the Call Centre staff capture the client and advice details on the Thetha Nathi webpage. Advice provided by Remand Detainee paralegals is captured on the Remand Detainee webpage.
Method of calculation/ assessment	The number of advice matters is calculated from the legal advice services data that has been recorded on the walk-in client, Remand Detainee and Thetha Nathi webpages.
Assumptions	Functional administration system (webpages).
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	Civil advice services are made available at all 128 offices as well as identified outreach sites in rural areas serviced by Satellite Offices.
Reporting cycle	Quarterly
Desired performance	Actual performance that is higher than targeted performance is desirable.
Indicator responsibility	CLE
Indicator Title	Number of new strategic litigation matters approved Success rate for strategic litigation matters
Definition	Refers to the number of matters in which legal representation is provided where the impact is far-reaching and not always focused on an individual client.
Source of data	The Impact Litigation Unit maintains schedules of matters that are assessed, approved by the Constitutional Case Management Committee (CCMC), finalised and handled by the Unit.
Method of calculation/ assessment	The matters that are funded/taken on are approved by the CCMC with a set budget for each matter approved. The number of matters that can be funded/taken on by the Unit must be done within the budget that is made available annually. The success rate is set at 90% of matters with outcomes. The

	<p>CCMC determines the required outcome which may not always be that the case should be won, but could be to ensure clarity of the law or equality of arms. Where a matter does not have an outcome, it will not be included in the denominator and remunerator to determine the success rate. This would be where the client/s cannot be found and do not give instructions so that a matter can be taken to an outcome stage.</p> <p>The number of matters assessed, approved and finalised are calculated manually by the Unit, including the available budget after deducting the amounts approved by the CCMC for new matters.</p>
Assumptions	Accurate statistics for strategic litigation matters.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	N/A
Reporting cycle	Quarterly
Desired performance	Actual performance that is higher than targeted performance is desirable.
Indicator responsibility	CLE
Indicator Title	Participation in relevant structures aimed at improving the functioning of the justice system and courts
Definition	The attendance of Legal Aid SA representatives at identified structures that are aimed at improving the functioning of the justice system.
Source of data	Minutes of meetings of all committees.
Method of calculation/ assessment	Minutes of meetings are provided by relevant secretariats.
Assumptions	Minutes of meetings recorded and distributed.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	N/A
Reporting cycle	Depends on the sittings of the structure concerned.

Desired performance	Attendance at all meetings of the different structures by Legal Aid SA representatives.
Indicator responsibility	NOE
Indicator Title	4 Quarterly Reports and 1 Annual Report submitted timeously to the Executive Authority
Definition	Quarterly and Annual Reports.
Source of data	Individual and team work performance from legal and support staff in respect of deliverables in our APP and which are recorded on the eLAA system, SYSPRO, SAP or any other monitoring system including webpages.
Method of calculation/assessment	The eLAA, SAP and SYSPRO systems used as sources of data for production and actual performance. Each APP indicator is calculated in accordance with its own methodology in order to produce the required information.
Assumptions	Accurate information recorded/collected for compilation of Quarterly Reports and Annual Report.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	N/A
Reporting cycle	Quarterly reports submitted within 30 days after end of a quarter. Annual Report submitted within five months after the end of the financial year.
Desired performance	100% compliance
Indicator responsibility	BS, All Executives
Finance and Sustainability	
Indicator Title	Balanced budget (as per government grant allocation)
Definition	The approved budget is within the available resource allocation.
Source of data	Historical expenditure and National Treasury allocation letter.
Method of calculation/assessment	The total budgeted expenditure excluding depreciation is compared to the grant allocation and projected interest.
Assumptions	Availability of historical expenditure; allocation letter received from National Treasury.
Disaggregation of Beneficiaries	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A.

(where applicable)	<ul style="list-style-type: none"> Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	Budget is prepared per Local Office which includes Legal Aid SA's 64 Local Offices across the national footprint.
Reporting cycle	Annually
Desired performance	Balanced and approved MTEF 2021/22 – 2023/24 and Budget 2021/22
Indicator responsibility	CFO
Indicator Title	Financial reporting that is compliant with relevant standards and regulations
Definition	Prepare monthly finance MIS and Quarterly Financial Statements.
Source of data	Financial reporting system.
Method of calculation/ assessment	Approved budgets compared to actual expenditure.
Assumptions	Operational financial reporting system; accurate data.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> Target for women: N/A. Target for youth: N/A. Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	N/A
Reporting cycle	Quarterly
Desired performance	Financial reporting compliant with relevant standards and regulations, resulting in optimum financial maturity.
Indicator responsibility	CFO
Indicator Title	Statutory compliance (including Legal Aid South Africa Act, 2014 and PFMA)
Definition	Statutory compliance reporting.
Source of data	Compliance with reporting or payments in line with statutory requirements.
Method of calculation/ assessment	Relevant reports serve as proof of compliance.

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

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

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

Desired performance	The Legal Aid Manual reviewed and updated as required.
Indicator responsibility	CLE
Indicator Title	Compliance with PPPFA, PFMA and relevant NT Regulations when acquiring goods and services
Definition	Implement Supply Chain Management Policy and ensure 100% compliance with relevant SCM prescripts.
Source of data	Expenditure reports, BAC minutes, deviation reports.
Method of calculation/ assessment	Measured against the number of SCM-relevant regulations.
Assumptions	Accurate reports and BAC meeting minutes.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: dependent on PPPFA and B-BBEE. • Target for youth: dependent on B-BBEE rating. • Target for people with disabilities: B-BBEE rating.
Spatial Transformation (where applicable)	Fostering localised procurement of goods and services which promotes resilient supply chain management for the economic and social development of local communities in the proximity of our Local Offices.
Reporting cycle	Quarterly
Desired performance	100% compliance with PPPFA, PFMA and relevant NT Regulations when acquiring goods and services.
Indicator responsibility	CFO
Employee and Organisational Capacity and Innovation and Learning	
Indicator Title	Staffing plans
Definition	Staff plans and workforce plans.
Source of data	Recruitment records and staffing plans collected monthly on SAP.
Method of calculation/ assessment	Work demand levels for legal practitioners given recruited staff per skill area; ratio allocations of workload per practitioner; ratio of support staff to legal personnel; managerial posts per size of LO; department organisational structure within defined scope of responsibility .
Assumptions	Accurate information from SAP system.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: 45.2%. • Target for youth: 20% (85% of CAs under the age of 35). • Target for people with disabilities: 2%.

Spatial Transformation (where applicable)	Staff plans aligned to EE targets across the national footprint.
Reporting cycle	Quarterly reporting on staff recruitment level
Desired performance	≥95% staff recruitment level.
Indicator responsibility	NOE, CLE, COO
Indicator Title	Submission of the Annual Training Plan and Annual Training Report in compliance with the Skills Development Act
Definition	Skills plan.
Source of data	Individual development plans for employees.
Method of calculation/ assessment	Staff records on academic qualifications, training and development.
Assumptions	Individual development plans in place.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: 45.2%. • Target for youth: 20% (85% of CAs under the age of 35). • Target for people with disabilities: 2%.
Spatial Transformation (where applicable)	Annual Training Reports produce dispersed number of staff per business unit and Local Office along the targets of the Annual Training Plan.
Reporting cycle	Quarterly and annually
Desired performance	As per Annual Training Plan.
Indicator responsibility	COO, NOE, HRE
Indicator Title	Employment Equity targets defined as per Employment Equity Plan
Definition	EE Plan.
Source of data	Staff recruitment statistics.
Method of calculation/ assessment	SAP records.
Assumptions	Accurate statistics.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: 45.2%. • Target for youth: 20% (85% of CAs under the age of 35). • Target for people with disabilities: 2%.

Spatial Transformation (where applicable)	Fostering a balance in reaching EE targets per business unit and Local Office.
Reporting cycle	Quarterly and annual EE statistics
Desired performance	As per EE Plan.
Indicator responsibility	COO, HRE
Indicator Title	Stable and reliable Wide Area Network (WAN) and Virtual Private Network (VPN)
Definition	IT WAN maintenance.
Source of data	IT self-monitoring systems.
Method of calculation/ assessment	Data/information on system performance extracted from IT system.
Assumptions	IT self-monitoring systems operational.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	Wide Area Network (WAN) and Virtual Private Network (VPN) allows efficiency of coordinating business activities across the dispersed locations of Legal Aid SA's offices.
Reporting cycle	Quarterly MIS reports
Desired performance	VPN connected and availability ≥95%.
Indicator responsibility	COO, ISE
Indicator Title	Stable hardware platform
Definition	IT hardware maintenance.
Source of data	IT self-monitoring systems.
Method of calculation/ assessment	Data/information on system performance extracted from IT system.
Assumptions	IT self-monitoring systems operational.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.

Spatial Transformation (where applicable)	N/A
Reporting cycle	Quarterly MIS reports
Desired performance	≥99% availability of hardware.
Indicator responsibility	COO, ISE
Indicator Title	IT software and applications maintained and upgraded
Definition	IT platform maintenance.
Source of data	IT self-monitoring systems.
Method of calculation/ assessment	Data/information on system performance extracted from IT system.
Assumptions	IT self-monitoring systems operational.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	Employ software capable of the use of cloud service technology to enable safe storage and processing of spatial data, and to analyse business data sets from any area of our business locations.
Reporting cycle	Quarterly MIS reports
Desired performance	≥95% availability of network and ≥99% availability of software and hardware.
Indicator responsibility	COO, ISE
Indicator Title	Organisational cyber security operational metrics developed and maintained
Definition	The Legal Aid SA Cyber Security Governance Framework sets out the procedures and systems for the development and maintenance of cyber security operational metrics.
Source of data	Multiple data sources from business activities, including physical security, access to classified assets, supplier service delivery management and configuration capacity of key IT infrastructure.
Method of calculation/ assessment	Organisational data collected and benchmarked against best practise to arrive at a metric value that matches Legal Aid SA's risk appetite.

Assumptions	Cyber security metrics based on the Key Risk Indicators which are reviewed periodically, and identified risks mitigated timeously.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	Appropriate business activity related to cyber security measures at National Office, Provincial and Local Offices across the national footprint are accounted for in the cyber security reports.
Reporting cycle	Quarterly MIS reports
Desired performance	≥90% of the cyber security control measures are effective in detecting and protecting Legal Aid SA's cyber security environment.
Indicator responsibility	COO, ISE

Annexure A: District Development Model

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

ANNEXURE:

**LEGAL AID SA
STRATEGIC
PLAN 2020-2025
REVIEW 2021-
2022**

LEGAL AID SA
STRATEGIC PLAN
(incorporating Sustainability)
2020-2025
Review 2021-2022



Submitted as an Annexure to the Legal Aid South Africa Annual Performance Plan
2021-2022

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Foreword

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

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

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

The economic challenges faced by the country as a result of low economic growth means that government is operating within serious financial constraints and this has impacted on Legal Aid SA. Financial sustainability has been impacted by i) the non-availability of new funding; ii) budget shortfall from the grant allocation (arising from the difference between the National Treasury (NT) macro increase and the Public Service Co-ordinating Bargaining Council (PSCBC) wage settlement and the PPI payments each year) and iii) budget cuts. The NT issued policy considerations and Guidelines for the Medium Term Expenditure Framework (MTEF) of 2020/21 to 2022/23 stating the critical importance for any institution to balance its budget for the MTEF period starting in the 2020/21 Financial Year (FY) and the possibility of continued budget cuts over the next period.

The 2021 MTEF Guidelines specify that there are no additional resources available as a result of the deteriorating macro-fiscal outlook and the aim of the 2021 MTEF Budget is fiscal consolidation for the purpose of stabilising public debt. The MTEF 2021/22 to 2023/24 preliminary allocation letter received on 8 December 2020 indicates that there will be budget baseline reductions totalling R534 million over the MTEF period. Legal Aid SA is expected to reduce compensation to employees by R225,768,000 and goods and services expenditure by R308,902,000, over the MTEF period. The implementation of these baseline reductions will negatively impact on Legal Aid South Africa’s ability to meet its constitutional mandate as there will be staff retrenchments

and a consequent reduction in the delivery of legal aid services and coverage of courts. This Strategic Plan is developed for this context of financial constraints including budget cuts which will impact the service delivery offering to clients as well as the Employment Value Proposition (EVP) which mediates the engagement and relationship between the employer and employees.

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

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

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

Impact of COVID-19

- i. Court operations were impacted by the COVID-19 Lockdown and as a result less clients were assisted in criminal and civil matters. All courts that were operational during the Lockdown were covered by Legal Aid SA practitioners.
- ii. General legal advice services were not available under Level 5 of the National Lockdown. Under Levels 4 and 3, general advice was available through the Legal Aid Advice Line for matters permitted in terms of the Regulations and Court Directions. General advice services at Local and Satellite Offices were restricted and only available by prior appointment.
- iii. The Legal Aid SA budget was reduced by R23 million to contribute to the COVID-19 fund.

- iv. COVID-19-related expenditure was funded from savings raised from the current budget.
- v. As a result of the COVID-19 pandemic, Board and Committee meetings were rescheduled and were held electronically.
- vi. Training has been affected by COVID-19 pandemic – low training hours.
- vii. Leave provision as at Q2 2020/21 recorded at R84, 381,073, which is 26% higher when compared with Q2 2019/20.

The outlook for the future in terms of financial challenges remains uncertain in the long-term and Legal Aid SA must continue to manage the budget carefully. 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. The organisation 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.

Executive Authority Statement

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

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

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

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

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

I am very proud of Legal Aid SA's successes. It has evolved into a high performing organisation, which has delivered more than 90% of its Business Plans annually, received eighteen consecutive unqualified audits since 2002/03 and has been accredited as a Top Employer for the past 11 years, and Leader of the Public Sector category for the past five years.

Legal Aid SA continues to champion the rights of all persons to access justice through the provision of independent, accessible and quality legal aid services in criminal and civil matters. Between 2018 and 2019 Legal Aid SA took on over 400,000 new matters of which 87% are criminal matters and 13% are civil matters. The provision of legal advice, in order to empower communities on their legal rights and responsibilities, benefits more than 300,000 people annually via its national footprint of 64 Local and

64 Satellite Offices; the Legal Aid toll-free Advice Line and consultations with remand detainees.

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

It is with great pleasure that I present the Legal Aid SA Strategic Plan (SP) 2020-2025. The outcomes in this Strategic Plan are congruent with government's priorities.

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

Mr Ronald Lamola, (MP)

Minister of Justice and Correctional Services

Accounting Authority Statement

During the previous Strategic Plan period, 2015-2020, the Board remained fully constituted, has been effective in upholding its responsibilities and continued to provide leadership and guidance in its oversight of the performance of Legal Aid SA. Presentations made annually to the Portfolio Committee on Justice and Constitutional Development resulted in commendation for the organisation's excellent performance. In order to assist so many indigent and vulnerable people to access justice and protect their human rights, Legal Aid SA has had strong and efficient financial management, governance and human resources systems in place.

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

The Board of Legal Aid SA has adopted a stakeholder-inclusive approach in the development of this SP 2020-2025. We discussed and approved the methodology for the Legal Aid SA SP 2020-2025 and we have been involved in the development of the SP through workshops with Management and participation in stakeholder forums. The Legal Aid SA SP 2020-2025 has been crafted taking into account the government priorities as stated in the NDP 2030 and the MTSF 2019-2024, the mandate of the organisation and the available resources. In addition, Legal Aid SA will participate in the Land Court Bill legislative process and ensure implementation of its extended mandate to enable indigent litigants access to legal representation in land-related matters.

Once the SP is approved by the Minister of Justice and Correctional Services, the Board will monitor the implementation of the SP and report on this through Quarterly Performance Reports and Annual Reports, in compliance with statutory requirements.

The Board will continue to exercise its oversight role to ensure that Legal Aid SA maintains high levels of service excellence in delivering on its mandate, enabling access to justice to uphold the rights enshrined in our Constitution, as well as ensure the sustainability of the organisation.



Judge Motsamai Makume

Board (Accounting Authority) Chairperson

Accounting Officer Statement

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

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

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

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

In the period 1 April 2015 to 31 March 2019, Legal Aid SA has enabled access to justice in a total of 2,973,384 new legal aid matters and new legal advice matters. Of this total, criminal and civil legal matters amount to 1,728,838 and legal advice matters total 1,244,546. The vast majority of matters handled are criminal matters which account for 87%, with 13% being civil matters. Matters involving children received priority and we assisted 68,249 children in civil and criminal matters. A total number of 83 new Impact Litigation matters were approved during the four-year period, with the outcome of these matters having had a positive impact beyond just for those people involved in the litigation, as the cases litigated focus on the protection of constitutional rights. The organisation has consistently met more than 90% of the set targets in the Business Plans.

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

Despite unfavourable economic circumstances and having to manage budget cuts and shortfalls, the organisation followed good governance by utilising 98% of its allocated

budget of R1,9 billion in the 2018-2019 FY and received its 18th unqualified audit opinion from the Auditor-General South Africa.

In the 2019-2020 financial year Legal Aid SA was named a Top Employer in South Africa for the 11th year, as well as Industry Leader in the Public Sector for the fifth year. Recruitment levels were over 90% and the percentage of legal staff including paralegals averaged 79%. The staff turnover rate (excluding contract staff) has remained at less than 6%.

Legal Aid SA's new IT legal administration application, electronic Legal Aid Administration 2016 (eLAA) went live in October 2019.

Guided by our vision, mission and values, Legal Aid SA succeeded in delivering on its constitutional mandate in the period 2015-2020. We have successfully increased the maturity level of each segment of the organisation and measured our performance against this.

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

This will include improving the alignment of demand to supply of criminal legal aid services and implementing alternative delivery models for improved efficiency. In civil legal aid, greater focus will be given to constitutional priorities such as land and social issues and improving the sustainability of the civil legal aid offering to clients. Particular focus will be given to land-related matters and Legal Aid SA will align its civil legal services with the Land Court Bill that is currently under discussion, within the resources that are made available to Legal Aid SA. The Legal Aid SA Regulations and Manual under the Legal Aid SA Act, 2014 (Act No. 39 of 2014) will be reviewed accordingly, where required. Attention will also be given to the legal empowerment of clients through enhancing client engagement in the conduct of their matters. Legal Aid SA will continue to play a role in improving the efficiency and accessibility of the justice system in order to positively impact on public confidence in the justice system.

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

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

Legal Aid SA is committed to the implementation of the Strategic Plan 2020-2025 which focuses on the realisation of the mandate in an effective and efficient manner.

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

A handwritten signature in black ink, consisting of a stylized 'M' and 'K' with a horizontal line extending to the right.

Ms Mantiti Kola

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

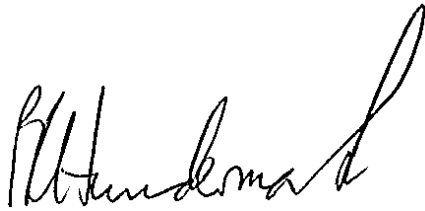
Official Sign-off

It is hereby certified that this Strategic Plan Review 2021-2022:

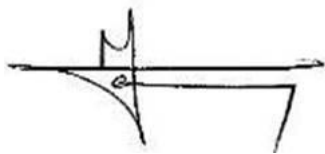
- i. Was developed and compiled by the Office of the CEO together with the Management of Legal Aid South Africa under the guidance of the Board (Accounting Authority).
- ii. Was deliberated on and approved by the Board (Accounting Authority) at the Board Meeting held on 28 November 2020.
- iii. Takes into account all the relevant legislation, policies and other mandates for which Legal Aid SA is responsible.
- iv. Accurately reflects the impact and outcomes that Legal Aid SA will endeavour to achieve over the period 2020-2025, given the resources made available in the MTEF for 2021-2024.



Advocate Brian Nair: National Operations Executive



Mr Patrick Hundermark: Chief Legal Executive



Mr Sethopo Mamotheti: Chief Operations Officer



Ms Precious Mbingo: Chief Financial Officer



Ms Mantiti Kola: Chief Executive Officer (Accounting Officer)

Approved by:



Judge Motsamai Makume: Board (Accounting Authority) Chairperson



Mr Ronald Lamola, (MP)

Minister of Justice and Correctional Services

Executive Authority

List of Abbreviations and Acronyms

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

Executive Summary

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

Strategic planning is one of the most important business tools that sets out the path for development over the medium term and guides business actions during that period. Effective strategic planning along with a process of tracking and measuring achievements against the Strategic Plans has enabled the organisation to attain the level of success that it has over the past 18 years.

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

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

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

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

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

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

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

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

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

Objectives:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Outcome 3: Quality client-focused legal advice services.

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

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

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

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

Outcome 8: Maintain and enhance good governance.

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

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

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

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

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

1. Introduction and Background

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

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

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

Performance highlights of Legal Aid SA include:

- i. Implementation of a changed delivery model to deliver legal aid services through salaried legal practitioners employed by it.
- ii. Prudent use of funds to operate a national footprint of offices with efficient and effective infrastructure, systems and processes that enables it to deliver its services and reach its clients.
- iii. Assistance to 668,293 persons with legal matters and legal advice during the 2019-2020 FY, successfully delivering on its mandate of ensuring access to justice for the indigent and vulnerable.
- iv. Achieving 19 unqualified audit reports since 2001/02, with 12 of the 19 being clean audit opinions from the Auditor-General South Africa.
- v. Investment in its most important asset, its people, who deliver and support the delivery of legal aid services. It has been accredited as a Top Employer for the past 11 years and has been the Industry Leader in the Public Sector category for the past five years.

This success can be attributed to the strong governance framework within which the organisation operates, an effective and functioning Governing Board and Audit

Committee, compliance with applicable legislation, the Legal Aid SA Act, the PFMA and National Treasury Regulations, application of the relevant principles of the King IV Code on Corporate Governance, compliance with PAIA and an effective and independent Internal Audit Department.

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

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

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

and legislative mandate to deliver quality legal aid and legal advice services to indigent and vulnerable persons as well as building a sustainable organisation.

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

2. Strategic Planning Methodology and Process

2.1. Strategic Plan Methodology

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

- i. The Balanced Scorecard strategy framework since it incorporates all segments of a business/organisation. The segments are (a) client and community and stakeholders, (b) finance and sustainability, (c) internal business processes and (d) employee and organisation capacity, of an organisation's business.
- ii. The STEEPLED and SWOT analysis tools to scan the environment within which Legal Aid SA operates as this tracks current and future trends of key sectors within the environment in which the entity operates. The STEEPLED analysis is an analysis of the Social, Technological, Economic, Environmental, Political, Legal, Ethical and Demographic factors in the external environment of an organisation, which can affect its activities and performance.
- iii. Incorporate elements of the Stakeholder Framework that are relevant to Legal Aid SA because this will enhance the entity's commitment to a stakeholder-based approach, which is also part of its sustainability approach. This also aligns to the requirements of integrated reporting which the entity has implemented and to the Legal Aid SA Social and Ethics Programme, within which there is a programme that focuses on client and stakeholder relationships. Legal Aid SA follows the best practises aligned to the King IV Report on Corporate Governance, which emphasises the critical role of stakeholders in the governance process, particularly stakeholder inclusivity and responsiveness.
- iv. Continue to incorporate the Strategic Shifts approach to its strategic planning which enables a focus of its Strategic Plan to its core business of delivering legal aid services to indigent and vulnerable persons as well as to emerging opportunities or new programmes and projects that are also about the delivery of legal aid services, or the support thereof, while being responsive to changes

in the environment. This will contribute to forging the path of the entity going forward to achieve higher levels of success and excellence.

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

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

2.2. Strategic Plan Process

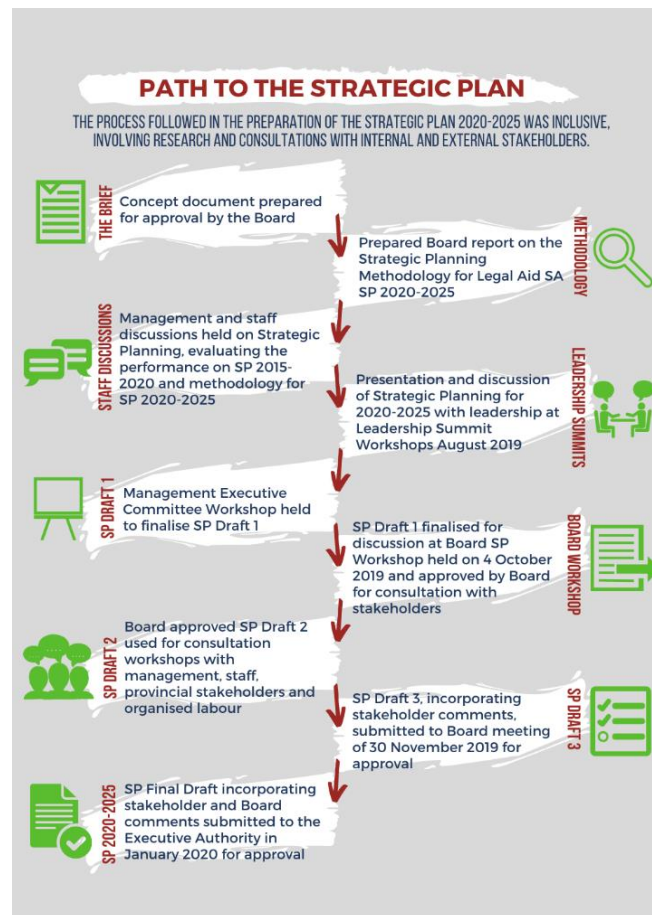


Figure 1: Strategic Plan Process

3. PART A: OUR MANDATE

3.1. Constitutional Mandate

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

The Constitution of RSA (Act 108 of 1996)

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

(a) ...

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

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

(a) ...

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

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

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

(a) ...

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

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

3.2. Legislative and Policy Mandates

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

3.2.1. Legislative Mandates

Legal Aid South Africa Act 39 of 2014

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

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

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

Objects of Legal Aid South Africa

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

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

Powers, functions and duties of Board of Directors

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

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

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

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

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

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

Other Legislation and Codes Impacting on the Delivery of Legal Aid

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

- (I) Criminal Procedure Act (sections 73, 309, 309B, 309C, 309D & 316) – Legal Representation in Trial and Appeals
- (II) The Child Justice Act (sections 82(1) & 83(2)) – Legal Representation for Children in Child Justice Court (no child may be refused legal representation)
- (III) Children's Act 38 of 2005, (section 55(1)) – Legal Representation of Children in matters dealt with in the Act
- (IV) Labour Relations Act 66 of 1995 (section 149) – currently unfunded
- (V) Mental Healthcare Act 17 of 2000 (section 15)
- (VI) Restitution of Land Rights Act 22 of 1994 (section 22) – currently unfunded
- (VII) Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (section 4(5)) – currently unfunded
- (VIII) Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (section 10(5))
- (IX) Refugees Act 140 of 1998 (section 27(b))
- (X) Protection of Personal Information Act, Act No. 4 of 2013
- (XI) Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996) – currently unfunded
- (XII) Promotion of Administrative Justice Act, Act No. 3 of 2000
- (XIII) The Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) – currently unfunded

Legal Aid SA is able to provide assistance in these instances if budget permits, in accordance with the policy provisions contained in Regulations as per section 23 of the Legal Aid South Africa Act (39 of 2014). Due to our budget and resource

limitations, there are criteria that determine qualification for and exclusions to assistance. All other proposed legislation or proposed amendments to legislation, insofar as they impact on Legal Aid SA's mandate and/or clients' rights, are monitored and commented on as part of the legal research agenda. This is to ensure that clients' rights are protected and the mandate of Legal Aid SA is not extended without concomitant funding.

Public Finance Management Act (PFMA)

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

King IV Report on Corporate Governance

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

3.2.2. Policy Mandates

National Development Plan (NDP) 2030

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

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

- i. Strengthening the CJS (Accelerating implementation of the plans to improve the criminal justice system),

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

- ii. Building safer communities using an integrated approach.

Medium-Term Strategic Framework 2019-2024

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

Budget Prioritisation Framework

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

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

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

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

African Union Agenda 2063

Agenda 2063 is a strategic framework for the socio-economic transformation of Africa over the next 50 years. It builds on and seeks to accelerate the

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

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

implementation of past and existing continental initiatives for growth and sustainable development.

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

United Nations Sustainable Development Goals (SDGs) 2030

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

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

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

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

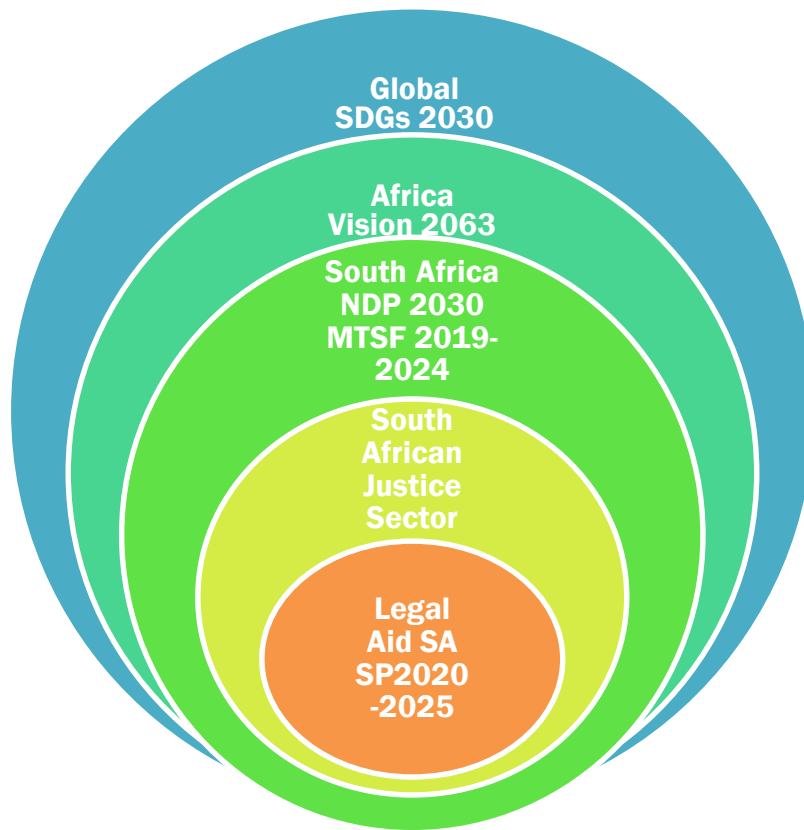


Figure 2: Policy Mandates

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

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

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

3.4. Relevant Court Rulings

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

i. Life Esidimeni 19 March 2018

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

ii. Anton Meyer v Legal Aid South Africa

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. PART B: OUR STRATEGIC FOCUS

4.1. Vision

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

4.2. Mission

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

4.3. Values

i. Passion for Justice

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

ii. Ubuntu

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

iii. Integrity

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

iv. Accountability

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

v. Service Excellence

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

vi. People and Planet Focused

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

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

To respect and care for the environment.

4.4. Situational Analysis

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

External Environmental Analysis

Social

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

Violence against women, children and people with disabilities is an ongoing societal problem and the rate of crimes against these vulnerable groups remains high and is a cause for concern. In September 2019, a number of protests focused on the high levels of gender-based violence in the country with citizens demanding action from government, resulted in the President calling an emergency sitting of the two houses of Parliament, the National Assembly and the National Council of Provinces, to tackle gender-based violence. An Emergency Action Plan on Gender-based Violence and Femicide (GBVF) was announced, aimed at combatting violence against women and children through a coordinated effort between government and civil society. A total of R1,6 billion has been allocated for the implementation of the GBVF Emergency Action Plan. Government has established Sexual Offences Courts, of which there are currently 94, with a plan to open ten more by the end of the 2019/20 financial year.

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

These courts are included in the Legal Aid SA court coverage. Government has reported a correlation in the establishments of these courts and an increase in conviction rates

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

Legal Aid South Africa participates in the National GBV Steering Committee which is tasked with implementing the National Strategic Plan on Gender-Based Violence and Femicide 2020-2030. We provided input and information to the working teams that prepared the three GBV Bills. Further, Legal Aid SA participates in the 100 days' campaign against violence against women and children that the National GBV Steering Committee launched on 1 September 2020 and will continue until 30 November 2020. In terms of this campaign Legal Aid SA will work with courts to fast track domestic violence matters as well as working with the role players in Limpopo to fast track finalisation of divorce matters for these 100 days in order to provide speedier resolution to their matters for clients. Further, in term of the project plan for the campaign, Legal Aid South Africa will conduct 12 empowerment interviews on various radio stations including community radio stations relating to GBV topics so that the public are aware of their rights and know how to access justice when they need to. As at 22 October 2020 Legal Aid SA has completed 17 of these interviews across 7 provinces in the country.

There was an increase in GBV during the Covid-19 lockdown (increase in incidents related to violence against women and children). The Gender-Based Violence Command Centre, which operates under the Department of Social Development noted a surge in requests for assistance. Globally, lockdowns caused an increase in domestic violence and abuse.

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

Land matters

The National Assembly approved a process to amend section 25 of the Constitution to make appropriation of land without compensation more explicit. The panel on land

reform is expected to release its report on expropriation of land without compensation and Parliament is expected to finalise the Expropriation Bill. There is currently also a Land Court Bill under discussion in which it is envisaged that Legal Aid SA will provide legal services in identified land-related matters. These matters will impact on the Legal Aid SA resourcing/budget and additional funding will have to be provided. Furthermore, involvement in land matters would require that skills in land matters will have to be acquired and that additional staffing and management capacity would have to be appointed to manage and undertake these additional responsibilities as currently contained in the draft Land Court Bill.

One of the fundamental policies that has been adopted for the Land Court Bill is the creation of a single legal aid dispensation for the adjudication of land disputes under Legal Aid SA and the transfer of the legal representation function of the Land Rights Management Facility which is managed by the Department of Agriculture, Land Reform and Rural Development, to Legal Aid SA. Through the Land Court Task Team, a work stream has been established to focus on the legal, financial/budgetary and practical implications associated with the transfer of these responsibilities of the Land Rights Management Facility to Legal Aid SA. The related budget allocation, which is currently in the vote of the Department of Agriculture, Land Reform and Rural Development, would then be transferred to the Department of Justice and Constitutional Development and specifically the Legal Aid SA vote.

In accordance with the Legal Aid SA mandate and the objects as provided in the Legal Aid South Africa Act, 39 of 2014:

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

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

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

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

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

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

(a) eliminate or shorten litigation; or

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

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

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

Crime

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

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

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

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

- a. An estimated 12% of the population in South Africa experienced one or more disputes or justiciable problems during the past two years.*
- b. The top ten disputes for men are different from the top ten disputes experienced by women. The most common dispute for men concerned corruption or bribery or nepotism by government officials, while for women it was disruption of supply of utilities such as water and electricity.*
- c. People get information about dispute resolution mostly from electronic media like the internet and television (24%). People mostly use family and friends to seek help to resolve their disputes (29%).*
- d. Five percent of the population in South Africa, aged 16 years and older, have been to court during the past twelve months for various reasons.*
- e. Self-representation in court was the most preferred by those who go to court as witnesses, accused, litigants and for administrative services. Self-representation varied from 48% for those going to court as accused to 81% for people who go to court as witnesses.*
- f. The use of private lawyers and Legal Aid SA lawyers were highest for those who went to court as accused, where 21% of the accused used private lawyers and 36% used Legal Aid SA lawyers. People who were represented by Legal Aid SA lawyers had the greatest proportion (89%) of people who were satisfied with their service.*
- g. There was no significant difference in satisfaction between those who used private lawyers and those who represented themselves. The satisfaction rate was lowest (83%) for those represented by paralegal officials.⁸*

⁸ Statistics South Africa Governance, Public Safety and Justice Survey GPSJS 2018/19 available at www.statssa.gov.za

Demand for Legal Aid SA services

A review of the criminal and civil statistics dealt with by Legal Aid SA from 2015/16 to 2019/20 shows that the number of criminal cases has decreased over the five-year period, with the most recent decrease between 2018/19 and 2019/20 being 3,1%. The number of civil cases dealt with has decreased over the four-year period 2016/17 to 2019/20, with a 5,2% decrease between 2018/19 and 2019/20. The number of matters in which legal advice is provided has fluctuated, increasing between 2015/16 and 2016/17, then decreasing between 2016/17 and 2017/18, increasing by 0.9% between 2017/18 and 2018/19 and decreasing by 13,6% between 2018/19 and 2019/20.

	Demand for Legal Aid SA				
	2015/16	2016/17	2017/18	2018/19	2019/20
Criminal Total	388,692	385,972	371,202	362,213	351,061
Civil Total	52,364	58,990	55,415	53,990	51,177
Criminal & Civil Total	441,056	444,962	426,617	416,203	402,238
Advice Matters Total	308,563	322,694	305,239	308,050	266,055

Poverty

Large proportions of the population in South Africa are subject to poverty and unemployment. Social grants are the second most important source of income for households after salaries and the main source of income for almost one-fifth of households nationally. South Africa's socio-economic challenges are deep, structural and long-term. Inequality has remained high, with South Africa being one of the most unequal countries in the world. According to World Bank Group data, South Africa remains the world's most unequal country. The Statistics SA General Household Survey 2018 indicates that poverty rates are higher amongst people living in rural areas.

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

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

Demographic

According to Statistics South Africa, the mid-year population estimate for 2020 is 59,62 million.

Approximately 51.1% (approximately 30,5 million) of the population is female. About 28.6% of the population is aged younger than 15 years and approximately 9.1% (5,4million) are 60 years or older. Of those younger than 15 years of age, the majority reside in Gauteng (21.4%) and KwaZulu-Natal (21.8%). Of the elderly (those aged 60 years and older), the highest percentage, of 24.1% (1,31 million) reside in Gauteng. The proportion of elderly persons aged 60 and older is increasing over time.

Life expectancy at birth for 2020 is estimated at 62,5 years for males and 68,5 years for females. The infant mortality rate for 2019 is estimated at 23,6 per 1,000 live births. The estimated overall HIV prevalence rate is approximately 13% among the South African population. The total number of people living with HIV is estimated at approximately 7,8 million in 2020. For adults aged 15-49 years, an estimated 18,7% of the population is HIV positive.

Gauteng comprises the largest share of the South African population, with approximately 15,5 million people (26%) living in this province. KwaZulu-Natal is the province with the second largest population, with an estimated 11,5 million people (19.2%) living in this province. With a population of approximately 1,29 million people (2.2%), Northern Cape remains the province with the smallest share of the South African population.

Migration is an important demographic process, as it shapes the age structure and distribution of the provincial population. For the period 2016–2021, Gauteng and Western Cape are estimated to experience the largest inflow of migrants of approximately 1,553,162 and 468,568, respectively.⁹

According to the 2011 census, about 4% of the population or 2,2 million international migrants were in South Africa in 2011. The Statistics South Africa Community Survey 2016 puts the number of foreign-born people at approximately 1,6 million, out of a population of 55,5 million at the time.¹⁰ Gauteng (6%), the North West (3.3%) and the Western Cape (3.1%) were the provinces with the highest percentage of the population born outside South Africa.¹¹ According to the Mid-year population estimates 2019 report, the number of international migrants entering the provinces was highest in Gauteng, with Western Cape ranking second.¹² Legal Aid SA assists migrants in

⁹ Statistics South Africa Mid-year population estimates 2020 available at [www.statssa.gov.za](http://www.statssa.gov.za/publications/P0302/P03022020.pdf); <http://www.statssa.gov.za/publications/P0302/P03022020.pdf>

¹⁰ Xenophobia and party politics in South Africa by Savo Heleta 3 September 2019; Mail and Guardian <https://mg.co.za/article/2019-09-03-00-xenophobia-and-party-politics-in-south-africa>

¹¹ Statistics SA Community Survey 2016 in Brief <https://www.statssa.gov.za/publications/03-01-06/03-01-062016.pdf>

¹² Statistics SA Mid-year population estimates 2019 available at <http://www.statssa.gov.za/publications/P0302/P03022019.pdf>

various ways and this data is therefore relevant to our work and will have an impact on service delivery.

Since households are the basic units for service delivery, rapid household growth will constrain the delivery of basic services. As the urban population increases, so does the demand on basic infrastructure requirements. These issues could lead to service delivery challenges. Legal Aid SA may not have resources to meet the demand for legal services in those provinces with the highest population as well as to meet the needs of vulnerable groups.

Economic

The South African economy has been severely impacted by low economic growth. The International Monetary Fund's World Economic Outlook Report said South Africa's GDP would experience an 8% contraction in 2020. The South African Reserve Bank in its 17 September 2020 Monetary Policy Statement stated that GDP is expected to grow by 3,9% in 2021 and by 2,6% in 2022.

After shrinking sharply in the first quarter of 2019, the economy recovered from a low base to record positive growth of 3.1% in the second quarter (April–June 2019). Mining, finance, trade and government services were the main drivers of growth. Three industries (construction, agriculture and transport) registered a slump in production. In comparison, in quarter 2 of 2018, GDP was recorded at -0.5%.¹³

Real GDP (measured by production) decreased by a record 51,0% in the second quarter of 2020 owing to the impact of the COVID-19 lockdown restrictions since the end of March 2020. The manufacturing, trade and transport industries were the largest negative contributors to GDP growth in the second quarter 2020. The agriculture, forestry and fishing industry was the only positive contributor to GDP growth. The expenditure side of GDP, which reflects the demand side of the economy decreased by 52,3%.¹⁴

According to the Stats SA Quarterly Labour Force Survey for Quarter 2: 2020, South Africa shed 2.2 million jobs during the second quarter, decreasing the number of employed persons to 14,1 million. The official employment rate is now 23,3% compared to 30,1% in the first quarter. Unemployment decreased by 2,8 million to 4,3 million, there was a decrease of 6,8 percentage points in the unemployment rate to 23,3%. In the first quarter of 2020 the unemployment rate had increased to a record high of 30,1%

Lockdown restrictions prevented people from looking for employment and the economy also put more people out of work, with most economic activities being halted. This situation in South Africa is in line with the experience in the rest of the world. Most

¹³ Statistics South Africa Gross domestic product second quarter 2019 available at [www.statssa.gov.za](http://www.statssa.gov.za/publications/P0441/P04412ndQuarter2019.pdf);
<http://www.statssa.gov.za/publications/P0441/P04412ndQuarter2019.pdf>

¹⁴ Statistics South Africa Gross domestic product second quarter 2020 available at [www.statssa.gov.za](http://www.statssa.gov.za/publications/P0441/P04412ndQuarter2020.pdf) ;
<http://www.statssa.gov.za/publications/P0441/P04412ndQuarter2020.pdf>

countries have seen a decline in the number of people in employment as well as declining unemployment rates.

Compared to a year ago, total employment decreased by 2,2 million, the number of unemployed persons decreased by 35,5% (2,4 million) and the number of persons who were not economically active increased by 33,1% (5,1 million).¹⁵

The economy has also been impacted by loss of State funds, for which a Judicial Commission of Inquiry has been set up to investigate the allegations of State capture, corruption and fraud in the public sector. The lack of economic growth and government having to do more with less as a result of the many demands on the fiscus may result in budget cuts to the baseline allocation. The high unemployment rate poses threats to the stability of the economy and this further increases the risk of people becoming involved in crime. Load shedding implemented by Eskom also impacts on business and economic growth as it affects operations and productivity, with small businesses being particularly hard hit. As companies are impacted by the stagnant economy, some have had to retrench employees and this adds further strain on the unemployment rate. In the 2018/19 financial year, a total of 193,732 cases were reported to the Commission for Conciliation, Mediation and Arbitration (CCMA) and actual retrenchments were recorded at 21,391, with the highest number being in the construction sector.¹⁶

Political

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

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

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

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

- I. No person in South Africa will go hungry
- II. Our economy will grow at a much faster rate than our population

¹⁵ Statistics South Africa Quarterly Labour Force Survey Q2: 2020 available at www.statssa.gov.za

¹⁶ CCMA Annual Report 2018/19 www.ccma.or.za

- III. Two million more young people will be in employment
- IV. Our schools will have better educational outcomes and every 10-year-old will be able to read for meaning
- V. Violent crime will be halved, if not eliminated

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

Financial

National Treasury's new MTEF Guidelines 2021 indicate that budget cuts of 6%, 9 % and 22 % for financial years 2021/22, 2022/23 and 2023/24 respectively may be implemented for entities and departments. SOEs continue to require bailouts from the State, amounting to billions.

The Public Sector Wage Bill is high and increases have been higher than NT macro and CPI increases. The State is therefore seeking to reduce expenditure on Compensation to Employees; that is, reduce the wage bill. The option of voluntary packages to qualifying employees in departments to curb the runaway costs of the Public Sector Wage Bill is being explored.

In the Budget Prioritisation Framework (Mandate Paper) for Budget 2019, the core mandate for 2019 remains jobs and livelihoods for South Africans. There are three key levers in the NDP to drive growth and hence poverty alleviation, namely economic services, social services and administrative and protection services.

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

- a) Firstly, the focus for removing growth inhibitors is on growth inhibitors in the economic services, constraints in the social services and constraints in the administrative and protection services.
- b) Secondly, there is a focus on improving efficiency and value for money and identifying savings which includes cutting non-core programmes; phasing out non-performing programmes; reducing spending on consultants; optimising State procurement; limiting litigation costs; ensuring value for money on infrastructure; implementing shared services and better coordination; ensuring revenue generation or collection and alternative funding.
- c) Thirdly, priority spending areas which require additional funding should such become available have been identified. These include spending priorities in the economic services; social services and administrative and protection services.

Legal/Justice

Within the Justice Cluster, the various components of the CJS were operating on an intersectoral basis in order to address common challenges that are experienced. This includes the formation of various Case Flow Committees at local, provincial and national level. Various protocols have been developed and these require departments and entities to work together in a holistic response. However, only a few protocols that affect Legal Aid SA are currently in operation. Not much progress has been made in developing common performance indicators across the Justice Cluster.

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

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

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

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

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

The Traditional Courts Bill, approved by the National Assembly in March 2019, will see the inclusion of traditional courts within the mainstream justice system and will regulate the traditional courts in the country to ensure alignment with the Constitution.

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

Legal Aid SA staff have been elected/nominated to the Provincial LPCs. This is an opportunity to influence the LPC with regard to policies to ensure that it has a client focus.

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

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

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

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

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

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

According to the NDP, effective social protection and welfare services are linked to the elimination of poverty and the reduction of inequality. The aim is to establish a social security system for all working people, with social protection for the poor and other

groups in need, such as children and people with disabilities. Part of the vision for social protection is to ensure that vulnerable groups are protected.

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

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

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

International Legal

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

we continue to engage with them through their visits to Legal Aid SA to study our model as well as through workshops and conferences focusing on access to justice.

With regard to SDG 16, global indicators on access to justice and civil justice were developed as part of the reporting on SDG Target 16.3, flowing from SDGs 2030. However, global indicators do not include indicators on civil access to justice. Reporting on the available data has commenced by various jurisdictions, both regionally and internationally.

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

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

Technology

The Fourth Industrial Revolution and advances in technology are reshaping the world, the work environment and all aspects of life. It is therefore important for us to be informed of the changes that the Fourth Industrial Revolution brings and how it impacts on our business environment.

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

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

The adoption of cloud services has rapidly grown in line with business adoption of virtual office operations. By 2019, at least four data centres will become operational on the African continent to mitigate the risks of hosting of African companies' data.

Eighty-one percent of all enterprises have a multi-cloud strategy in place and research has shown that 60% of businesses intend to employ the emerging technologies provided through cloud services in the next 18 months. Microsoft has built two data centres in South Africa; one in Johannesburg and one in Cape Town. These data centres will power cloud services that include artificial intelligence and computing innovations.

With advances in technology come additional cyber security risks. A National Cyber Security Framework has been established. Cyber-attacks are forcing organisations to employ a zero trust security model. Therefore, rigorous authentication measures are required to verify user identity through multiple layers of credentials.

As we embrace the Fourth Industrial Revolution we must remain aware that given the reality of poverty, inequality and unemployment in South Africa, the digital divide exacerbates the exclusion of indigent and vulnerable persons from technology-based solutions. However, it should be noted that a large proportion of the population have connectivity through mobile devices.

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

Technology and Media

The digital media landscape continues to grow in South Africa, with social media, mobile device and mobile social media user figures continuing to increase. Organisational social media growth continues to be organic, and the Legal Aid SA website is revamped, allowing for up-to-date multimedia content options and improved cross-pollination of digital platforms. Search Engine Optimisation (SEO) is now actively focused upon. Shared content is key and it is therefore necessary to create content that members of the public find useful enough to share with their networks, thereby widening the pool of people reached by our content. Legal Aid SA is including some digital advertising campaigns as part of other paid-for advertising campaigns.

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

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

Technology and Legal

Some advances have been made with regard to the use of technology in legal processes, including service of court documents via email being accepted as legal service, which signals the judicial move towards digitalisation. Unavailable witnesses or indisposed witnesses' testimony via remote technology has not been tested yet.

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

There is a focus on continuous development of the Integrated Justice System (IJS) and implementation of case management at court level. However, courts in SA still use very dated case initiation processes, which are paper-based. There are long queues daily in Registrar offices and court public spaces are crowded by lawyers and members of the public. Court files result in the accumulation of masses of paper, archiving rooms are congested with files and there is an increased risk of misfiled/lost/stolen files. There has also been alarming levels of corruption by SAPS/ Court staff regarding dockets, enrolments, file retrieval and fraudulent court orders. Processes result in inordinate delays from case initiation to enrolment. An electronic document management system will have many benefits, including improved use of court time, improved quality of legal representation, reduction in unnecessary postponements, improved turnaround time in finalising cases and a reduction in fraud and corruption.

Environment

The UN Intergovernmental Panel for Climate Change has published scientific research which sets out the state of the planet and the impact of climate change. Climate change is the root of many environmental concerns and issues. Carbon emissions in South Africa are very high and we are struggling to lower this. Climate change is impacting on our climate patterns, which results in less rainfall, increasing temperatures and irreparable changes to habitats and ecosystems.

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

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

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

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

Governance and Ethics

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

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

The auditing profession is under scrutiny due to major challenges with external assurance providers as reports emerge amongst audit service providers, reflecting collusion with unethical practises of Management and Boards. A Parliamentary Ethics Oversight Committee is in place. This scrutiny of the auditing profession will result in stronger governance instruments as the profession addresses the challenges that have emerged.

King IV's code of good practise encourages inclusivity of all stakeholders in the creation of organisational values and reporting on ethical conducts. Companies with increased disclosure of remuneration policy aspects, results/trends in risk management and the effectiveness of ethics management to the public are in

alignment with best practise of transparency as recommended by King IV. Consideration is given to social and increasingly to environmental concerns in developing and implementing business practises. This has led to increased focus on social and environmentally responsible business practises by Legal Aid SA.

People Development/Human Capital Management

The State Capture and other State Enquiries of national significance result in an entrenched perception of low trust between public sector/entity employees, Boards and Management and constant attacks on the moral legitimacy of leadership. A continued low perception results in negative comparisons of employment experiences and a national syncing of a survivalist mind-set by employees striving to maintain their economic security, with increased hostility.

Reduced economic ratings in SA, together with emerging demands on the fiscus such as free tertiary education result in persistent pressure for entities to reduce the total cost of employment. Further budget reductions and cost cutting measures are anticipated. There is an opportunity for technology to be embraced for further work flow and process improvements and innovative applications.

There is limited insight into the wage spiral effects on rising prices and cost push inflation, the demands on the SA fiscus, the grim economic outlook resulting in workforce mobilisation and increased hostility in the employment milieu as employees attempt to sustain the value of real wages. Legal Aid SA has a reputation of integrity and good governance including clean audits, thus providing pride of professional association for employees, inspiring public trust and credibility with shareholders and stakeholders. Investment in training and development provides an enormous opportunity to grow organisational competencies and positively impacts on attraction and retention.

Technology is reshaping the skills needed for the world of work and the demand for advanced cognitive skills, socio-behavioural skills, and skill combinations associated with greater adaptability is rising.

Stakeholder Engagement

The organisation recognises and understands the important role that both internal and external stakeholders play in driving the vision and mission of the organisation. Legal Aid SA works with a wide range of stakeholders and partners which includes the Ministry of Justice and Correctional Services; Parliament; stakeholders in the Justice Cluster; law clinics and advice offices; professional legal bodies including international legal bodies; National Treasury and other government departments; Judicare practitioners and Co-operation Partners; our employees and clients; NGOs and CBOs; advocacy groups, and the media. The organisation is part of dedicated forums that promote dialogue and representations on access to justice through collaborations and partnerships to advance the legal interests of vulnerable groups in societies.

These partnerships are aimed at:

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

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

Internal Environmental Analysis

Legal and Justice

In the 2019/20 financial year, Legal Aid SA provided legal assistance in 402,238 new criminal and civil matters and legal advice to 266,055 persons, totalling 668,293 persons assisted by the organisation. These matters comprised 351,061 (87%) new criminal legal matters and 51,177 (13%) new civil legal matters. The number of legal matters finalised was 374,367, and of these, 328,694 (88%) were criminal matters and 45,673 (12%) were civil matters. The Legal Aid SA national footprint consists of 64 Local Offices, 24 of which are situated in rural areas and 40 in urban areas, and 64 Satellite Offices; 55 in rural areas and nine in urban areas. All service delivery points were appropriately staffed during 2019-2020, with staff recruitment at 91,9%, which was 2,571 staff at the end of the financial year. The staff turnover rate excluding Candidate Attorneys (CAs) was at 5.8%. The workforce component of Legal Aid SA is generally diverse, in line with annual targets to achieve employment equity goals.

Our criminal court coverage to District Courts is currently 86% and Regional Courts is 94%. All High Court matters requiring legal aid in criminal matters are however covered. Whilst we have improved alignment of practitioner capacity to match court demand, it is expected that going forward, we will be forced to further reduce our criminal court coverage at the lower courts due to reductions in budget. At the High Courts, greater engagements will be required to implement a Practitioner per Judge model, in order to improve efficiency and productivity.

Civil legal aid services are provided based on a priority assessment in order to manage demand. Matters assessed as low priority are given waiting periods. It is envisaged that civil practitioner productivity will be directed to more complex priority matters and that there will be an improved handling of advice matters by paralegals rather than advice matters consuming the time of legal practitioners.

Our Legal Quality Monitoring Programme was refined to ensure a risk-based approach. Standardised quality documents to guide practitioners in the conduct of

matters were introduced and quality review instruments were further refined to ensure outcomes-based assessment. The quality programme was also extended to paralegals. The quality monitoring and supervision programme has ensured that over 95% of practitioners meet our quality standards, which is evidence that we have a mature quality monitoring and intervention programme. With the maturing of our quality programme we aim to have more than 98% of our practitioners achieving the quality targets and over 75% of admitted practitioners assessed as low risk, thereby reducing our supervision requirement. Approximately half of Judicare practitioners fail to achieve Judicare file quality targets. However, the vast majority do meet the court observation quality targets. Greater involvement by Local Offices in monitoring and supporting the Judicare Quality Management Programme is planned in an attempt to shift this.

Experience levels of practitioners at the various court types have increased to levels that are much higher than our minimum requirements. With practitioners spending 100% of their time in the criminal courts, many of our practitioners can be regarded as specialist criminal practitioners. Feedback from court stakeholders and clients on practitioner quality is very positive. The Stats SA Governance, Public Safety and Justice Survey 2018/19 found that *people who were represented by Legal Aid lawyers had the greatest proportion (89%) of people who were satisfied with their service.*¹⁷ Attention will be given to practitioner skills development to align to changes in the legal and justice environment. There is a need to enhance the profile of Legal Aid SA practitioners as specialist litigators in their field, which will impact positively on the image of Legal Aid SA.

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

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

¹⁷ Statistics South Africa Governance, Public Safety and Justice Survey GPSJS 2018/19 available at www.statssa.gov.za

Legal Aid SA has an official Language Policy in place to promote recognition of the linguistic and cultural diversity within the organisation and the communities it operates in, as well as to ensure that Legal Aid SA adheres to its constitutional and legislative mandate to promote multilingualism to guarantee that communication between the organisation and the public is effective.

Women, Youth and People with Disabilities

Legal Aid SA provides legal services on a demand basis and this includes services to women, youth and people with disabilities. Children are a special vulnerable group and, as such, matters involving children receive priority and we have capacitated all our practitioners with training in dealing with matters involving children.

Youth unemployment remains a major socio-economic challenge and job creation is one of the national priorities flowing from the NDP. Legal Aid SA has a university outreach programme that aims to educate students on the career opportunities available to them to advance their legal careers, beginning with the CA Recruitment Programme. The organisation employs 300 CAs per annum. Employing CAs provides a skills base for legal practitioners within the organisation, provides entry to the legal profession to legal graduates and employing Black CAs and women CAs contributes to the transformation of the legal profession.

Financial

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

Supply chain management policies and procedures are in place, however irregular expenditure mainly relating to leases and Sheriffs who are not registered on the National Treasury Central Supplier Database is a challenge which is being addressed.

Legal Aid SA's current and cash ratio is slightly above the industry benchmark. Positive cash and cash equivalent balances support the business operations, however Legal Aid SA's cash reserve may be reduced as more cash is drawn to supplement the budget shortfall. National Treasury may implement budget cuts in the MTEF 2021/22 to 2023/24 period resulting in further reductions on Legal Aid SA's cash reserves. The MTEF 2021/22 to 2023/24 preliminary allocation letter received on 8 December 2020 indicates that there will be budget baseline reductions totalling R534 million over the MTEF period. Legal Aid SA is expected to reduce compensation to employees by R225,768,000 and goods and services expenditure by R308,902,000, over the MTEF period. The implementation of these baseline reductions will negatively impact on Legal Aid South Africa's ability to meet its constitutional mandate as there will be staff retrenchments and a consequent reduction in the delivery of legal aid services and coverage of courts.

Currently, salary costs, which are fixed costs, constitute 80% of Legal Aid SA's budget and the rising salary bill which increases above the CPI/macro is not sustainable.

With regard to the status of the institution's compliance with the Broad-Based Black Economic Empowerment Act 53 of 2003, Legal Aid SA's BEE status is non-compliant as the total BEE score is 35.24 points as per the report dated 23 October 2019. Targeted Employment Equity transformation programmes and programmes focused on supplier development will be implemented.

Technology

Business intelligence systems are in place for Legal Aid SA core applications (eLAA, SYSPRO and SAP) and data is used to drive operational efficiency and competitive advantage. The organisation will continue to use analytics and business intelligence systems to enhance efficiencies. A Cyber Security Policy and Strategy are in place and currently KPIs for cyber security and a cyber security roadmap are receiving attention.

Technology and Legal

The development of the electronic Legal Aid Administration 2016 (eLAA) system is in the final stages and implementation is in progress. The new electronic Legal Aid Administration system (eLAA) (Release 1) became operational in October 2019. Release 2 development will be completed in the 2020-2021 financial year. Management information is digitalised and data integrity is continuously addressed. Legal Aid SA has an institutionalised electronic knowledge management system which includes legal support systems.

We see an increased move to digitalisation, including

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

Governance and Ethics

New members of the Board were appointed for a five-year term starting from 2018/19-2022/23. A Combined Assurance Forum with Terms of Reference was approved by the Board and the Combined Assurance Forum was established.

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

A webpage on monitoring contract expiry dates was initiated to reduce irregular expenditure resulting from late initiating of procurement processes on contracts that were about to expire. There has been an improvement in the detection of irregular expenditure incurred.

People Development/Human Capital Management

Legal Aid SA has a strong people centred focus in the Terms and Conditions of Employment (family leave, religious leave, flexible work arrangement, service awards, reduced working hours). Innovative people management practises are in place and there are high levels of employee retention with low levels of turnover (5.8% as at 31 March 2020).

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

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

Reductions in the Total Cost of Employment and talent management programme budgets at Legal Aid SA resulted in financial rewards and benefits being rightsized and cut to a minimum with no funding for new posts. Employee morale has been adversely affected by the budget cuts and shortfall and this may lead to employees seeking other employment opportunities. This has led to growing dissatisfaction with the EVP offering due to reductions, but offers an opportunity to refocus and segment the EVP.

An Employment Equity Audit was conducted in 2019 in order to prepare the next five-year Employment Equity Plan for 2020-2025. The most prominent areas of under-representation are that of African females at the Top Management and Senior Management levels. Employees with disabilities represent 1.75% of the total workforce; the target is 2%. The organisation will implement the Employment Equity 2020-2025 Plan as approved by the Board with a focus on addressing the areas that require improvement.

4.5. Strategic Shifts

Legal Aid SA has considered its development in terms of strategic periods over which it planned to achieve defined strategic shifts. In developing the Strategic Plan, the organisation identifies the higher level direction or changes that the organisation plans to take over the five-year period. The organisation focuses its work on the strategic shifts set, and furthermore, the strategic shifts are linked to the strategic outcomes to be achieved.

Legal Aid SA has tracked the strategic shifts it has made since pre-1999 up to the current period. Pre-1999 saw the organisation in a state of near collapse. We now see a very different organisation, one which is high performing as can be seen in the achievement of over 90% of the Business Plan, 18 consecutive unqualified audits and continuously striving to grow and improve its maturity levels, embrace best practises and guard against complacency.

Some of the strategic shifts made by Legal aid SA in the delivery of legal services, financial management and people development and information technology include:

Pre-1999

- Legal aid delivery model relied on Judicare practitioners (outsourced model) and partnerships with law clinics, NGOs and attorneys in rural areas.
- Legal aid was initiated to assist the poor but was not equally accessible and did not reach all as a result of financial constraints.
- By the 1990s the organisation was in crisis, financially and administratively.

2000-2002

- There was a shift to the Justice Centre model and the roll out of a national footprint of JCs, to reach many more South Africans.
- The financial crisis was averted and the first unqualified audit report was received.
- There was no WAN and LAN and a stand-alone IT system was used to record legal aid. In 2001, WAN and LAN were implemented.

2003-2006

- Justice Centre model roll out completed. Policies, procedures and systems implemented.
- There was a clear strategic shift to a focus on the delivery of professional legal services, with access and quality of legal services a key strategic priority.
- Work was done on the quality of legal services and quality interventions were introduced.
- Financial performance and governance was strengthened and an unqualified audit was maintained.

- Number of staff doubled, therefore focus on human resources management. Legal staff were made permanent.
- IT platform was consolidated, a legal administration application (AI) implemented and there was improved connectivity across the national footprint of Justice Centres.

2006-2009

- The National Footprint expanded to provide legal aid at all criminal courts.
- There was a focus on the practitioner per court ratio which was too low and therefore impacting on caseloads and quality.
- Access and quality of legal services continued to be a key strategic priority.
- Financial performance and governance were enhanced. The unqualified audit included no matters of emphasis from the Auditor-General.
- The human resources focus was on people centred programmes and organisational culture programmes aimed at developing a strong values-based culture within the organisation.
- Performance management and the tracking of performance continued.
- The development of management and leadership skills of managers was a focus.
- The IT platform was expanded to support the expansion of the national footprint and to serve the operational needs within legal administration, finance and human resources.

2009-2012

- New ways of increasing access to justice within resource constraints were explored and implemented.
- The Legal Aid Advice Line was launched to improve access to first level legal assistance.
- Mechanisms to increase the practitioner per court ratio was a focus.
- In ensuring quality legal services, independent quality assurance was implemented through the establishment of a Legal Quality Assurance Unit.
- Programmes and projects from the Criminal Justice Review were implemented.
- The financial maturity of the organisation improved, as did risk-based management in all facets of the business, in an effort to maintain unqualified audits.
- People development programmes were consolidated and aligned to create a rich talent pool of premium brand public interest professionals, thus developing staff to be ambassadors of the brand.
- Risk-based management of performance with individual responsibility for tracking performance was introduced and the shift from management to leadership began.
- The IT platform was further enhanced and the Virtual Private Network (VPN) was implemented.

2012-2014

- Expanded national footprint with majority of Satellite Offices providing general advice service to one or more outreach sites located primarily in rural areas.
- Increase in civil legal aid and legal advice matters.
- Legal quality assessed by independent Legal Quality Assurance Unit.
- Quarterly financial statements with financial ratio analysis introduced and activity-based budgeting developed.
- Focus on Enterprise Risk Management.
- Introduced maturity scale for all functional areas of organisation, with a focus on developing maturity levels of the organisation, thus managing organisational sustainability.
- Training plan linked to competency framework and competence in both technical areas and behavioural components has improved.
- E-Learning and self-learning introduced.
- Employment Value Proposition (EVP) and independent ratings resulted in positioning as an employer of choice.
- Process to redevelop IT platform started.

2015-2020

- Existing points of access for clients maintained, within available funding.
- Priority to civil legal aid assistance in constitutional rights related matters.
- Client Value Proposition encapsulating client focus and value add to clients.
- Use of new technology and social media improving communication and engagement with clients and potential clients, as well as stakeholders.
- Quality, rights-based legal aid services delivering desired outcomes including a fearless and independent legal defence of clients.
- Quality management responsive to client and stakeholder feedback on quality.
- Contributing to building safer communities by implementing the adopted protocols from the Criminal Justice Review and the Civil Justice Review.
- Proactively making the justice system function more effectively and efficiently.
- Brand awareness and image improved so that Legal Aid SA is identified as being part of the safety net for indigent and vulnerable persons with regard to their social justice matters.
- Quality of services and client relationship management focused on to improve brand experience and brand loyalty.
- Holistic Sustainability Strategy (including financial and non-financial) developed and implemented. The financial sustainability to encompass a plan to manage the budget cuts to ensure a balanced budget.
- Best practises and Codes on Governance implemented.
- Effective strategic leadership which would include a capacitated transitional Board.
- Legal Aid SA Act (2014) implemented, including Legal Aid Regulations and Legal Aid Manual.

- Unqualified audits maintained.
- Competitive Employment Value Proposition (EVP) implemented.
- Adequate IT infrastructure to meet business needs.
- Management information further refined to provide alerts to emerging risks.
- A values-based high performance culture strengthened.
- Leadership enabling sustainable performance and creating a humanistic work environment.
- Developed Legal Aid SA Cyber Security Policy and Strategy and Cyber Security Framework.

Strategic Shifts 2020-2025

The overall strategic shift to be achieved in the 2020-2025 period: *Long-term organisational development achieved, through improved MATURITY LEVELS and OUTCOMES, delivering SUSTAINABLE HIGH PERFORMANCE, to achieve SDG Target 16.3 to ENSURE EQUAL ACCESS TO JUSTICE FOR ALL to build a JUST SOCIETY.*

Legal Aid SA plans to achieve the following strategic shifts over the five-year period:

Client, Community, Stakeholder and Shareholder

- I. Improved alignment of demand to supply: Better align practitioner resourcing to the trend of decreasing demand and constrained budgets.
- II. Improved efficiency of delivery model: Strengthen court-based practitioner programme to reduce the need for long distance/time travelling from LOs and SOs to courts.
- III. High Court efficiency model: Promote a practitioner per judge model at all divisions of the High Courts to improve productivity.
- IV. Legal aid services at arrest: Extend coverage to provide first level advice services to accused/detained persons prior to first appearance at court via our Legal Aid Advice Line.
- V. Reduce pre-trial detention: Influence policy/legislative changes and amendments to implement after hours' bail, greater use of notice to appear rather than arrest and detention for appearance to court as a last resort.
- VI. Priority to constitutional rights matters: Re-focus civil legal aid to give greater focus on constitutional priorities litigated in the lower and higher courts (Bill of Rights issues – land and social issues).
- VII. Building capacity to manage and undertake legal representation in land-related matters as envisaged in the Land Court Bill and the interim transfer of the provision of legal representation from the Land Rights Management Facility which is currently under the Department of Agriculture, Land Reform and Rural Development.

- VIII. Optimising use of paralegal capacity: Widening the scope of paralegal work and increasing their capacity to assist clients in self-help matters and mediation matters to resolve disputes, particularly in rural areas.
- IX. Improving sustainability of civil legal aid offering to clients: Review civil legal aid policy to investigate and include client contributions, fees and other funding options.
- X. Legal quality outcomes incorporating client feedback: Legal quality programme strengthened to be more responsive to client feedback and achievable outcomes.
- XI. Judicare quality improved: Enhance Judicare/Agency/Co-operation Agreement Quality Programme so that greater than 90% meet the targets of Legal Aid SA.
- XII. Legal empowerment: Through enhancing client engagement in the conduct of their matters.
- XIII. Improving efficiency and accessibility of the justice system: Strengthen partnerships with justice cluster stakeholders to improve the efficiency and accessibility of the justice system which would improve public confidence in the justice system.
- XIV. Improved court infrastructure utilisation: Play a proactive role together with stakeholders to rationalise court infrastructure in line with decreasing criminal demand which will be compatible with decreasing resources across the sector.
- XV. Justice sector indicators: Proactively work with justice stakeholders to agree on common indicators to measure performance of the justice system and building a just society.

Finance, Governance and Sustainability

- XVI. Clean audit outcomes maintained: Sustainable clean audit opinions.
- XVII. Strengthened financial management: In line with Financial Reporting Frameworks and best practise.
- XVIII. Best practises and Codes on Governance implemented.
- XIX. Strategic Board Leadership: Effective strategic leadership to maintain oversight role of the Board.
- XX. Reducing carbon footprint to positively impact sustainability of the planet.
- XXI. Strengthened brand and reputation: Improve brand awareness and maintain a positive reputational image for Legal Aid SA.
- XXII. Brand experience: Improve brand experience and loyalty through focused quality of services and client relationship management.

Internal Business Processes

- XXIII. Regulatory framework responsive to context: Ensure that the Legal Aid SA Act, Regulations and Manual remain relevant to the changing context.
- XXIV. Management information expanded: Improve access to data, internal and external sources to enhance efficiency and delivery of our programmes.
- XXV. Business intelligence built into management information, providing early warning alerts as risks approach tolerance levels.

Employee and Organisational Capacity

- XXVI. Repositioned and strengthened organisational culture: A values-based, high performance, flexible, agile workplace culture characterised by professional excellence, technological and social competence driven by the desire to protect and defend human rights.
- XXVII. Employment Value Proposition (EVP) repositioned: Employer competitive advantage reframed on the strength and depth of non-financial aspects of the EVP including the employment experience.
- XXVIII. Ethical leadership enabling sustainable organisational transformation whilst maintaining high levels of performance and a humanistic work environment.
- XXIX. Embracing the Fourth Industrial Revolution to optimise technology's impact on business.
- XXX. Responsive and adaptive IT environment; adequate modern IT infrastructure to meet business requirements.
- XXXI. Established cyber security governance and management practises in the context of the business strategy and needs.

5. PART C: MEASURING OUR PERFORMANCE

5.1. Institutional Performance Information

5.1.1. Impact Statement

Impact Statement	Equal access to justice to build a just society
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5.1.2. Measuring our Outcomes

MTSF Priority	Priority 5: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
Client, Community, Stakeholder and Shareholder				
<u>Objective 1</u> Empowered clients and communities making informed choices about their legal matters, rights and responsibilities.	<u>Outcome 1</u> Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.	Number of clients assisted in criminal legal aid matters; Court coverage targets of DC, RC and HC	<u>Court Coverage:</u> Average DC coverage: 86% Average RC coverage: 94% HC coverage: All matters requiring legal aid	<u>Court Coverage:</u> Average DC coverage: 80% Average RC coverage: 90% HC coverage: All matters requiring legal aid
<u>Objective 2</u> All indigent and vulnerable members of society have equal access to public-funded legal services to protect and defend their rights.	<u>Outcome 2</u> Quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on land and other constitutional rights matters.	Number of clients assisted in civil matters	<u>Total Civil Matters:</u> 51,777 LO: 45,034 Judicare: 1,810 (13%) Co-op: 4,310 (within budget)	<u>Total Civil Matters:</u> 2020/21: 47,931 2021/22: 48,463 2022/23: 48,983 2023/24: 49,534 2024/25: 50,093 Total: 245,004 <u>Total LO Matters:</u> 2020/21: 45,173 2021/22: 45,625 2022/23: 46,080 2023/24: 46,542 2024/25: 47,007

MTSF Priority	Priority 5: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
				Total: 230,427 <u>Total Judicare Matters:</u> 2020/21: 1,120 2021/22: 1,120 2022/23: 1,120 2023/24: 1,120 2024/25: 1,120 Total: 5,600 <u>Total Co-op Matters:</u> 2020/21: 4 596 2021/22: 1,718 2022/23: 1,783 2023/24: 1,872 2024/25: 1,966 Total: 11,935
	<u>Outcome 3</u> Quality client-focused legal advice services.	Number of clients assisted with general legal advice	<u>Total Advice Matters (excluding Call Centre):</u> FY 2019/20: 266,055 Legal Aid Advice Line: 39,008	<u>Total Advice Matters:</u> 2020/21: 228,523 2021/22: 228,523 2022/23: 228,523 2023/24: 228,523 2024/25: 228,523 Total: 1,142,615 <u>Total Legal Aid Advice Line:</u> 2020/21: 47,921 2021/22: 47,921 2022/23: 47,921 2023/24: 47,921 2024/25: 47,921 Total: 239,605

MTSF Priority	Priority 5: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
	<u>Outcome 4</u> Client-focused strategic litigation services in order to give content to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.	Number of new strategic litigation matters approved; Success rate	<u>Strategic Matters Approved:</u> FY 2019/20: 25 Success rate: 88%	2021/22: 16 new matters 2022/23: 16 new matters 2023/24: 16 new matters 2024/25: 16 new matters
<u>Objective 3</u> A fair, efficient and effective justice system that ensures equal access to justice for all.	<u>Outcome 5</u> Contribute to the effective functioning of the justice and legal sector thereby promoting the rule of law and increasing access to justice.	Participation in relevant structures aimed at improving the functioning of the justice system and courts	<u>Represented at:</u> 1 National Efficiency Enhancement Committee & 9 Provincial Efficiency Enhancement Committees	<u>Represented at:</u> 1 National Efficiency Enhancement Committee & 9 Provincial Efficiency Enhancement Committees
<u>Objective 4</u> Delivering on our constitutional and statutory mandate thereby ensuring equal access to justice for all, in an independent, accountable and sustainable manner.	<u>Outcome 6:</u> Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.	4 Quarterly Reports and 1 Annual Report submitted timeously to the Executive Authority	4 Quarterly Performance Reports and 1 Annual Report (2018/19), submitted to Executive Authority, the AGSA and Parliament	4 Quarterly Performance Reports submitted within 30 days after the end of each quarter and 1 Annual Report submitted within five months after the end of the financial year to the Executive Authority
Finance and Sustainability				
<u>Objective 5</u> An organisation re-inventing and embedding sustainable and agile practises in	<u>Outcome 7</u> Improve financial sustainability and manage	Balanced budget	NT MTEF allocation of 2020/21 – 2022/23 translated into a medium-term expenditure	NT MTEF allocation of 2024/25 translated into a medium-term expenditure budget for Legal Aid SA,

MTSF Priority	Priority 5: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
every segment to positively impact on society, the economy and the environment.	the reductions to the budget.		budget for Legal Aid SA, which is approved by the Board and submitted to NT Budget: R2,062,468,682 Expenditure: R2,014,039,462 Percentage spent: 98%	which is approved by the Board and submitted to NT Budget: R2,6 billion Expenditure: R2,5 billion Percentage spent: 98%
		Financial reporting that is compliant with relevant standards and regulations	Unqualified audit opinion with no matters of emphasis	Unqualified audit opinion with no matters of emphasis
<u>Objective 6</u> Sustaining good governance, best practises and maintaining high ethical standards and integrity, high performance and accountability.	<u>Outcome 8</u> Maintain and enhance good governance.	Statutory compliance (including Legal Aid South Africa Act, 2014 and PFMA)	Revised quarterly compliance checklists in place. Statutory compliance signed off by Executives. Quarterly Compliance Report presented to the Board	Legal Aid SA generally compliant with all relevant pieces of legislation, including the Preferential Procurement Policy Framework Act (PPPFA) and the PFMA
		Annual Audit Coverage Plan executed/delivered	97% completion of the Annual Coverage Plan in 2019/20	At least ≥95% completion of the Annual Audit Coverage Plan each year
		Properly constituted Board and Board Committees skilled to function effectively	As at the end of 2019-2020, the Board of Legal Aid SA was not fully constituted. The term of the representative of the Director-General of Justice on the Board ended on 29 February 2020.	Properly constituted Board (in terms of Legal Aid SA Act, 2014) and Board Committees skilled to function effectively

MTSF Priority	Priority 5: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
Internal Business Processes				
<u>Objective 7</u> Legal Aid South Africa's regulatory framework is responsive to the changing legal, social and economic environment.	<u>Outcome 9</u> Maintain a regulatory framework that incorporates best practises and is responsive to changes in the overall environment.	Legal Aid SA Act (2014) reviewed once every 2 years or as and when required	Two amendments still awaiting Executive Authority approval and gazetting. The amendments have been resubmitted to be considered for inclusion in the 2020 Judicial Matters Amendment Bill.	Legal Aid SA Act reviewed in 2020, 2022 and 2024 or as and when required and amendments gazetted where required
		Legal Aid Regulations (Policy) reviewed at least once every 2 years or as and when required	All amendments to the Regulations have been gazetted No further amendments to the Regulations were deemed necessary in the 2019-2020 financial year.	Legal Aid Regulations reviewed in 2021, 2023 and 2025 or as and when required and amendments gazetted where required Review of Regulations 17 and 18 to align to the Land Court Bill
		Legal Aid Manual (Procedures) reviewed annually or as and when required	Two amendments to the Manual have been gazetted and implemented Legal Aid Manual Version 3 came into operation on 1 June 2019 and Version 4 came into operation on 28 October 2019.	Legal Aid Manual reviewed annually and amendments gazetted where required Review of Procedures to provide for Land Court matters
<u>Objective 8</u> An effective, efficient, economic and environmentally responsive supply chain management system supporting client	<u>Outcome 10</u> Sustain strong financial management, supply chain and asset management practises informed by best practise.	Compliance with PPPFA, PFMA, relevant National Treasury Regulations	Supply Chain Management Policy implemented to ensure 100% compliance with relevant SCM prescripts. There was	Legal Aid SA compliant with the PPPFA, PFMA and NT Regulations when acquiring goods and services, with specific focus on women, youth and

MTSF Priority	Priority 5: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
services delivery and internal business processes.			irregular expenditure incurred for non-CSD registered Sheriffs and non-CSD/ non-tax compliant landlords for office leases. Reports on the acquisition of goods/ services in excess of R0,5 million, indicating compliance with PPPFA, PFMA and relevant NT regulations were presented to the Board on a quarterly basis. Quarterly tenders awarded including deviations were presented to the Board at its quarterly meetings.	people with disabilities
Employee and Organisational Capacity and Innovation and Learning				
<u>Objective 9</u> An appropriately resourced national footprint that is adaptable to changing technological and environmental factors to ensure improved access to our clients, communities, stakeholders and employees.	<u>Outcome 11</u> Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.	Staffing plans	Staff recruitment at year end at 91.9%. The staff turnover rate is at 5.78%. (excluding CAs and Temporary/ Contract staff)	Staff recruitment at ≥95% based on available budget Staff turnover rate ≤ 6% (excluding CAs and Temporary/ Contract staff)

MTSF Priority	Priority 5: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
<u>Objective 10</u> Knowledgeable, informed, self-directed and committed employees competently delivering the organisation's constitutional mandate and strategies in a sustainable manner.	<u>Outcome 12</u> Strengthen and continuously improve the quality and expertise for each segment of the national footprint.	Compliance with Skills Development Act	The Workplace Skills Plan and Annual Training Report were submitted to SASSETA in compliance with the Skills Development Act. Submitted in Q1 as per statutory deadline.	Submission of the Workplace Skills Plan and Annual Training Report timeously by the end of April 2020, 2021, 2022, 2023, 2024 in full compliance with the Skills Development Act
		Employment Equity targets defined as per Employment Equity Plan	Legal Aid SA has a diverse workforce in line with annual targets to achieve employment equity goals, as per the EE Plan and Reports. Overall, African men, Coloured men and people with disabilities are the most underrepresented groups. We still have a challenge with African Males in Senior, Professional, 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 & Senior Management and Indian Males in the Skilled and Semi-skilled Levels are also a	EE Plan 2025 approved by Board and submitted to the Department of Labour EE Audit and EE Plan in 2025 in place

MTSF Priority	Priority 5: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
			challenge as these groups are underrepresented.	
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.	Stable and reliable Wide Area Network (WAN) & Virtual private network (VPN)	Average network availability was 95.54% in the FY 2019-2020. This is in line with the performance target of 95%.	Wide Area Network infrastructure upgraded to Software Defined Network with the minimum of 10Mbps bandwidth at all branches WAN annual availability 95%
		Stable hardware platform	Average server availability for 2019-2020 was 99%, which is in line with the performance target.	Private cloud infrastructure with 99% of servers availability
		IT software and applications maintained and upgraded	The eLAA system was supported and maintained, with 12 bug fixes implemented. ii. 76.12% of all offices migrated to the newer technologies. iii. 30 Local Offices upgraded to 10mbps. iv. Disaster recovery conducted in Q1 and Q3 of the FY. v. Average systems availability at 98%.	Integrated eLAA system with mobile application for clients in Release 2 Hot disaster recovery site
		Organisational cyber security metrics developed and maintained	Cyber Security Strategy in place. Cyber security assessment conducted and risks identified with the proposed road map.	Cyber resilient environment with ongoing staff training programme in place

5.1.3. Explanation of Planned Performance over the Five-year Period

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

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

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

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

- i. Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.
- ii. Quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on constitutional rights.
- iii. Quality client-focused legal advice services.
- iv. Client-focused strategic litigation services in order to give content to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.
- v. Contribute to the effective functioning of the justice and legal sector thereby promoting the rule of law and increasing access to justice.
- vi. Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.

These outcomes link to the NDP 2030 Chapter 12 which focuses on Building Safer Communities, Chapter 11 on Social Protection and Chapter 14 on Promoting Accountability and Fighting Corruption. The relevant priority of the MTSF 2019-2024 is Priority 5 Social Cohesion and Safe Communities. Since Legal Aid SA services are to ensure that indigent and vulnerable persons are able to access justice, this includes women, children and people with disabilities.

Access to justice is a critical component of building safer communities. We provide coverage of specialist courts including Child Justice Courts and Sexual Offences Courts and our practitioners are equipped with the expertise to represent clients. Children are a special vulnerable group and matters involving children receive priority. Children are represented in all Child Justice Courts, as well as Preliminary Inquiry Courts, and we guarantee legal representation to all children in civil matters. Our Remand Detainee Programme incorporates the monitoring of children awaiting trial in correctional facilities for periods greater than one month and these cases are tracked individually. Our civil units provide legal representation for children, most of whom are

children in need of care, in the Children's Courts. Through our partnership with the Master's Offices, we assist in the administration of estates in which children are beneficiaries, and place these monies for children with the Guardian's Fund. Legal Aid SA provides representation to vulnerable groups of people in a variety of specialist matters. This includes assistance to women, mental healthcare patients, children, people with disabilities, refugees and the elderly. In the 2018-2019 financial year, Legal Aid SA entered into a Memorandum of Understanding with Childline SA and strengthened links with the Teddy Bear Foundation, aimed at creating greater access to legal services for children and caregivers of children. We also linked with the National Movement of Shelters to ensure that people affected by gender-based violence are referred to Legal Aid SA when they need legal services.

Legal advice services are accessible through the toll-free Legal Aid Advice Line and paralegals at all 128 of our offices. Following the findings of a study conducted in the previous financial year on demand for legal aid in the High Courts, general advice capacity was made available at High Courts to decrease the number of unrepresented litigants and ensure that qualifying clients' rights are protected. Linkages with community structures such as Community Advice Offices are a further enabler in the accessibility of legal advice and legal representation. Communities are also empowered on their legal rights through media campaigns and community forums, thereby fostering constitutional values. The cases that are dealt with in strategic litigation matters address social justice issues and the outcomes of these cases often have a positive impact on a broader population.

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

The outcomes in Finance and Sustainability are as follows:

- i. Improving financial sustainability and managing the reductions to the budget.
- ii. Maintaining and enhancing good governance.

These outcomes link to the NDP 2030 Chapter 14 on Promoting Accountability and Fighting Corruption. The relevant priority of MTSF 2019-2024 is Priority 5 Social Cohesion and Safe Communities. Legal Aid SA operates within a strong governance framework, uses public funding responsibly in the execution of its mandate and is

accountable. Prudent and best practise financial management has resulted in unqualified audit opinions for the past 19 years. It has an effective and functioning Governing Board and Audit Committee and complies with applicable legislation. A coherent approach to enterprise risk management is maintained and the organisation has managed to uphold a zero tolerance approach to fraud and corruption.

The outcomes in Internal Business Processes are as follows:

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

These outcomes link to the NDP 2030 Chapter 12 which focuses on Building Safer Communities, Chapter 11 on Social Protection and Chapter 14 on Promoting Accountability and Fighting Corruption. The relevant priority of MTSF 2019-2024 is Priority 5 Social Cohesion and Safe Communities. The legislative mandate of Legal Aid SA must be responsive to the environment and meet the needs of the business and the people we serve. It is important to ensure that legislation is consistent with the Constitution. As an organisation that utilises public funds we must implement cost-effective measures and adhere to legislation such as the PFMA, PPPFA and National Treasury Regulations and ensure that our Supply Chain Management Policy is in line with the relevant legislation and that controls are in place and adhered to.

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

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

The outcomes in this component of the balanced scorecard link to NDP Chapter 12 which focuses on Building Safer Communities, Chapter 13 on Building a Capable State and MTSF Priority 2 Education, Skills and Health and Priority 6 A Capable, Ethical and Developmental State. Legal Aid SA has a national footprint, with offices located close to public transport and taking into consideration the location of courts that we service. Satellite Office locations mean that historically marginalised communities can access our offices which are appropriately resourced to deliver access to justice. Quality services to clients is a priority since the provision of quality services has a bearing on the outcomes of cases and therefore the lives of clients served. Through a focus on quality services to clients and competent, informed and

knowledgeable practitioners, we are able to assure a high quality of legal services is rendered to clients. Training programmes and skills development is ongoing and the organisation has a bursary scheme in place and an Employment Equity Plan for the 2020-2025 period. Modern IT systems are in place to sustain and improve performance which includes a new electronic Legal Aid Administration System (eLAA). Legal Aid SA continues to improve its technology platform along the emerging approaches of the 4th Industrial Revolution.

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

- i. Government grant
- ii. Financial planning and reporting
- iii. Adherence to good governance practises
- iv. Skilled and knowledgeable staff
- v. Quality management programmes
- vi. Risk management programmes
- vii. Tools and resources
- viii. Strategies, policies and standard operating procedures
- ix. Stakeholder relationships with legal and justice system stakeholders and linkages with community structures
- x. Commitment to human rights and the rights to access to justice
- xi. Performance management
- xii. Monitoring and evaluation processes
- xiii. Positive organisational culture
- xiv. Leadership
- xv. Employment Value Proposition
- xvi. Resilient cyber security environment

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

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

5.2. Key Risks and Strategic Risks

Key Risks and Mitigations

Outcome	Key Risk	Risk Mitigation
<u>Outcome 1:</u> Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.	Accused persons not legally represented at their trials	Court Coverage Plans
<u>Outcome 2:</u> Quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on land and other constitutional rights matters.	Inability to meet demand for civil legal aid services Inability to meet demand for land-related matters	Practitioner productivity monitoring Build capacity to deal with legal representation in land-related matters
<u>Outcome 3:</u> Quality client-focused legal advice services.	Clients requiring legal advice unassisted Poor quality of advice services	General Advice SOP Quality Assurance Programme
<u>Outcome 4:</u> Client-focused strategic litigation services in order to give content to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.	Appropriate strategic litigation matters not identified and taken on Clients' rights not protected	Links to NGOs and CBOs to identify strategic matters Local Office civil managers assist with the identification of strategic litigation matters as part of their performance contracts
<u>Outcome 5:</u> Contribute to the effective functioning of the justice and legal sector thereby promoting the rule of law and increasing access to justice.	Inefficient functioning of justice system	Effective participation in all efficiency committees and other CJS Cluster stakeholder forums
<u>Outcome 6:</u> Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.	Failure to account to Ministry of Justice	Oversight by Board to ensure quarterly Performance Reports and Annual Report are finalised and submitted to the Executive Authority timeously
<u>Outcome 7:</u> Improve financial sustainability and manage the reductions to the budget.	Financial planning not aligned to Strategies Qualified audit reports from the A-G	Budget to be aligned to Strategy Implement Internal Control Framework Quality check Financial Statements Keep abreast of developments in finance reporting standards

Outcome	Key Risk	Risk Mitigation
<u>Outcome 8:</u> Maintain and enhance good governance.	Non-compliance with statutory requirements Lack of effectiveness at Board level due to poor balance, poor understanding of role and poor focus	Monthly Statutory Compliance Checklists Review of all new legislation, regulations and directives on a quarterly basis Monthly Statutory Deadlines Webpage SOPs for compliance Board structure, Charter and performance reviewed annually to ensure continuity and common understanding
<u>Outcome 9:</u> Maintain a regulatory framework that incorporates best practises and is responsive to changes in the overall environment.	Legal Aid SA Act becoming outdated and irrelevant Regulations not responsive to client and community needs Legal Aid Manual not serving business needs	Board oversight Staff consultation on required amendments Shareholder buy-in
<u>Outcome 10:</u> Sustain strong financial management, supply chain and asset management practises informed by best practise.	Non-compliance with PPPFA, PFMA and relevant NT Regulations	Implementation of Internal Control Framework including statutory compliance
<u>Outcome 11:</u> Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.	Low levels of recruitment impact negatively on client services Insufficient funding for salaries	Organisational structure aligned to strategic objectives and retention of scarce skills
<u>Outcome 12:</u> Strengthen and continuously improve the quality and expertise for each segment of the national footprint.	Legal Aid SA failing to comply with the Skills Development Act Legal Aid SA workforce not reflecting the demographics of South Africa	Timeous development and submission of the ATP and ATR Defined employment equity targets which inform recruitment and development activities
<u>Outcome 13:</u> Enhance and maintain an integrated and service-oriented and secured Information Technology system with capacity to integrate stakeholders.	Budget constraints unable to meet WAN upgrade demand requirements Insufficient capacity Inadequate hardware to meet user demands	Monitor and review WAN utilisation and advise on need for upgrades Monitor and review System Utilisation Reports

Outcome	Key Risk	Risk Mitigation
	Outdated IT software and applications	Review and realign IT software and applications with business objectives
	Inadequate cyber security environment resulting in data and information loss	Review and update cyber security environment

Strategic Risks

Legal Aid SA has identified strategic risks which could impact on the performance of the organisational strategies and have to be mitigated to achieve the Vision.

- i. Clients deprived of their constitutional right to access to justice and/or to their liberty.
- ii. Lack of capacity to deliver on the demand for legal services.
- iii. Poor quality of legal services provided (by Local Offices; Judicare; Co-operation Partners; Agency Agreements).
- iv. Legal Aid SA reputation risk, arising particularly from managing social media risks.
- v. Lack of confidence in the justice system due to its perceived and experienced ineffectiveness in realising justice outcomes.
- vi. Continuing budget cuts and shortfalls impacting on Legal Aid SA's ability to deliver on its mandate.
- vii. Weakening culture of good corporate governance practises resulting in failure to detect system deficiencies and non-compliance.
- viii. Unethical, corrupt or fraudulent practises or acts.
- ix. Sustainability risk: Sustainable high performance and increasing maturity impacted by external factors (budget cuts, focus of State on crime and convictions) and internal factors (leadership, employee engagement, culture).
- x. Increasing trust deficit by employees due to varied perspectives of reality resulting in a growing conceptual gap against management and negatively impacting on employee engagement.
- xi. Unable to keep pace with the new/emerging technology resulting in poor adoption of the 4IR opportunities that enhances effective business operations.
- xii. Poor data security and protection of information resulting in non-compliance with established regulations and standards of good practise.
- xiii. Poor risk-based approach on cyber security leading to exposure and losses of business assets and personal information of employees, clients and key stakeholders.

6. PART D: Technical Indicator Descriptions (TID)

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

	<p>recruitment rate of 95% for the financial year (Recruitment rate). This is then set at 90% of the calculated number to determine the new matter target for the year for internal practitioners.</p> <p>Judicare – The Judicare target is calculated at 10% of the actual total new Judicare matters for the previous FY.</p> <p>Existing Co-operation Agreement Partners – The new matter target per partner is determined as follows:</p> <ol style="list-style-type: none"> 1. Calculating the average number of cases finalised by each co-operation partner in the preceding 3 financial years (excluding any terminated agreements) and adjusting the average number of new matters over the 3 FY's by the % increase or decrease in new matters over the 3 Financial Periods. <p>New Co-operation Agreement Partners – The matter target for a new partner is determined as follows:</p> <ol style="list-style-type: none"> 2. Only in the event that a new Co-Operation service provider is appointed, then the approved Co-Operation Agreement Budget for a new partner is divided by the cost per case achieved by an existing partner, undertaking similar legal work, in the FY preceding the year in which the new agreement is implemented. <p>Actual:</p> <p>The number of civil matters for both internal practitioners and Judicare is calculated from the eLAA data that is collected in all legal aid instructions captured on the system. The actual number of new civil matters for Co-operation Partners is determined from the data that is submitted by the partners to the Provincial Offices as per the requirements.</p>
Assumptions	Functional administration system and accurate statistics from Co-operation Agreement Partners.
Disaggregation of Beneficiaries (where applicable)	Disaggregated data will be made available for women, children and youth.
Spatial Transformation (where applicable)	Civil legal services are made available within the magisterial districts covered by each Local Office.
Reporting cycle	Quarterly
Desired performance	Actual performance that is higher than targeted performance is desirable.
Indicator responsibility	CLE
Indicator Title	Number of clients assisted with general legal advice
Definition	Refers to the number of consultations in which Legal Aid SA provided legal advice.
Source of data	Our paralegals and staff providing legal advice capture the client details and advice details on the walk-in client webpage and the Call Centre staff capture the client and advice details on the Thetha Nathi

	webpage. Advice provided by Remand Detainee paralegals is captured on the Remand Detainee webpage.
Method of calculation/assessment	The number of advice matters is calculated from the legal advice services data that has been recorded on the walk-in client, Remand Detainee and Thetha Nathi webpages.
Assumptions	Functional administration system (webpages).
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	Civil advice services are made available at all 128 offices as well as identified outreach sites in rural areas serviced by Satellite Offices.
Reporting cycle	Quarterly
Desired performance	Actual performance that is higher than targeted performance is desirable.
Indicator responsibility	CLE
Indicator Title	Number of new strategic litigation matters approved Success rate for strategic litigation matters
Definition	Refers to the number of matters in which legal representation is provided where the impact is far-reaching and not always focused on an individual client.
Source of data	The Impact Litigation Unit maintains schedules of matters that are assessed, approved by the Constitutional Case Management Committee (CCMC), finalised and handled by the Unit.
Method of calculation/assessment	<p>The matters that are funded/taken on are approved by the CCMC with a set budget for each matter approved. The number of matters that can be funded/taken on by the Unit must be done within the budget that is made available annually. The success rate is set at 90% of matters with outcomes. The CCMC determines the required outcome which may not always be that the case should be won, but could be to ensure clarity of the law or equality of arms. Where a matter does not have an outcome, it will not be included in the denominator and remunerator to determine the success rate. This would be where the client/s cannot be found and do not give instructions so that a matter can be taken to an outcome stage.</p> <p>The number of matters assessed, approved and finalised are calculated manually by the Unit, including the available budget after deducting the amounts approved by the CCMC for new matters.</p>
Assumptions	Accurate statistics for strategic litigation matters.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.

Spatial Transformation (where applicable)	N/A
Reporting cycle	Quarterly
Desired performance	Actual performance that is higher than targeted performance is desirable.
Indicator responsibility	CLE
Indicator Title	Participation in relevant structures aimed at improving the functioning of the justice system and courts
Definition	The attendance of Legal Aid SA representatives at identified structures that are aimed at improving the functioning of the justice system.
Source of data	Minutes of meetings of all committees.
Method of calculation/ assessment	Minutes of meetings are provided by relevant secretariats.
Assumptions	Minutes of meetings recorded and distributed.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	N/A
Reporting cycle	Depends on the sittings of the structure concerned.
Desired performance	Attendance at all meetings of the different structures by Legal Aid SA representatives.
Indicator responsibility	NOE
Indicator Title	4 Quarterly Reports and 1 Annual Report submitted timeously to the Executive Authority
Definition	Quarterly and Annual Reports.
Source of data	Individual and team work performance from legal and support staff in respect of deliverables in our APP and which are recorded on the eLAA system, SYSPRO, SAP or any other monitoring system including webpages.
Method of calculation/ assessment	The eLAA, SAP and SYSPRO systems used as sources of data for production and actual performance. Each APP indicator is calculated in accordance with its own methodology in order to produce the required information.
Assumptions	Accurate information recorded/collected for compilation of Quarterly Reports and Annual Report.
Disaggregation of Beneficiaries	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A.

(where applicable)	<ul style="list-style-type: none"> Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	N/A
Reporting cycle	Quarterly reports submitted within 30 days after end of a quarter. Annual Report submitted within five months after the end of the financial year.
Desired performance	100% compliance.
Indicator responsibility	BS, All Executives
Finance and Sustainability	
Indicator Title	Balanced budget (as per government grant allocation)
Definition	The approved budget is within the available resource allocation.
Source of data	Historical expenditure and National Treasury allocation letter.
Method of calculation/ assessment	The total budgeted expenditure excluding depreciation is compared to the grant allocation and projected interest.
Assumptions	Availability of historical expenditure; allocation letter received from National Treasury.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> Target for women: N/A. Target for youth: N/A. Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	Budget is prepared per Local Office which includes Legal Aid SA's 64 Local Offices across the national footprint.
Reporting cycle	Annually
Desired performance	Balanced and approved MTEF 2021/22 – 2023/24 and Budget 2021/22.
Indicator responsibility	CFO
Indicator Title	Financial reporting that is compliant with relevant standards and regulations
Definition	Prepare monthly finance MIS and Quarterly Financial Statements.
Source of data	Financial reporting system.
Method of calculation/ assessment	Approved budgets compared to actual expenditure.
Assumptions	Operational financial reporting system; accurate data.

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

(where applicable)	
Spatial Transformation (where applicable)	N/A
Reporting cycle	Quarterly auditing report on work done.
Desired performance	≥95% of Audit Coverage Plan delivered.
Indicator responsibility	IAE
Indicator Title	Properly constituted Board and Board Committees skilled to function effectively
Definition	Board of Legal Aid SA.
Source of data	Attendance registers and decisions made by the Board.
Method of calculation/ assessment	Minutes of the Board meetings; attendance registers; Board Succession Plan; Board Evaluation Report.
Assumptions	Consistent quorate Board meetings and accurate Board records.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A. Board composition: 14 members of which 4 are women.
Spatial Transformation (where applicable)	N/A
Reporting cycle	Quarterly meetings.
Desired performance	Board Charters and Board Committee Charters; Board properly constituted at all times, appointments and re-appointments made timeously.
Indicator responsibility	Board of Directors; BS
Internal Business Processes	
Indicator Title	Legal Aid South Africa Act No. 39 of 2014 reviewed once every two years or as and when required
Definition	The Legal Aid SA Act sets the governance framework for the functioning of Legal Aid SA.
Source of data	Legislation and Board meeting minutes.
Method of calculation/ assessment	Verification of promulgation and implementation by the Board.
Assumptions	Legislation requires amendment, accurate Board records and Executive Authority/Parliament in agreement with proposed amendments.

Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	N/A
Reporting cycle	Quarterly
Desired performance	All Board meetings held and quorate; Legal Aid SA founding legislation kept up to date to meet business needs.
Indicator responsibility	CLE, BS
Indicator Title	Legal Aid Regulations (Policy) reviewed at least once every two years or as and when required
Definition	The Legal Aid Regulations set out the policy relating to qualification criteria for legal aid and the types of matters in which legal aid is available.
Source of data	Government Gazette.
Method of calculation/ assessment	Verification of promulgation of the Regulations in the Government Gazette.
Assumptions	Regulations require amendment and Executive Authority/Parliament in agreement with the proposed amendments.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	N/A
Reporting cycle	Quarterly
Desired performance	The Legal Aid Regulations reviewed and updated as required to meet business needs.
Indicator responsibility	CLE
Indicator Title	Legal Aid Manual (Procedures) reviewed annually or as and when required
Definition	The Legal Aid Manual sets out the procedures and systems for the administration of legal aid.
Source of data	Government Gazette.
Method of calculation/ assessment	Verification of promulgation of the updated Manual in the Government Gazette.
Assumptions	Manual requires amendment and Executive Authority in agreement with proposed amendments.

Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	N/A
Reporting cycle	Quarterly
Desired performance	The Legal Aid Manual reviewed and updated as required.
Indicator responsibility	CLE
Indicator Title	Compliance with PPPFA, PFMA and relevant NT Regulations when acquiring goods and services
Definition	Implement Supply Chain Management Policy and ensure 100% compliance with relevant SCM prescripts.
Source of data	Expenditure reports, BAC minutes, deviation reports.
Method of calculation/ assessment	Measured against the number of SCM-relevant regulations.
Assumptions	Accurate reports and BAC meeting minutes.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: dependent on PPPFA and B-BBEE. • Target for youth: dependent on B-BBEE rating. • Target for people with disabilities: B-BBEE rating.
Spatial Transformation (where applicable)	Fostering localised procurement of goods and services which promotes resilient supply chain management for the economic and social development of local communities in the proximity of our Local Offices.
Reporting cycle	Quarterly
Desired performance	100% compliance with PPPFA, PFMA and relevant NT Regulations when acquiring goods and services.
Indicator responsibility	CFO
Employee and Organisational Capacity and Innovation and Learning	
Indicator Title	Staffing plans
Definition	Staff plans and workforce plans.
Source of data	Recruitment records and staffing plans collected monthly on SAP.
Method of calculation/ assessment	Work demand levels for legal practitioners given recruited staff per skill area; ratio allocations of workload per practitioner; ratio of support staff to legal personnel; managerial posts per size of LO; department organisational structure within defined scope of responsibility .
Assumptions	Accurate information from SAP system.

Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: 45.2%. • Target for youth: 20% (85% of CAs under the age of 35). • Target for people with disabilities: 2%.
Spatial Transformation (where applicable)	Staff plans aligned to EE targets across the national footprint.
Reporting cycle	Quarterly reporting on staff recruitment level.
Desired performance	≥95% staff recruitment level.
Indicator responsibility	NOE, CLE, COO
Indicator Title	Submission of the Annual Training Plan and Annual Training Report in compliance with the Skills Development Act
Definition	Skills plan.
Source of data	Individual development plans for employees.
Method of calculation/ assessment	Staff records on academic qualifications, training and development.
Assumptions	Individual development plans in place.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: 45.2%. • Target for youth: 20% (85% of CAs under the age of 35). • Target for people with disabilities: 2%.
Spatial Transformation (where applicable)	Annual Training Reports produce dispersed number of staff per business unit and Local Office along the targets of the Annual Training Plan.
Reporting cycle	Quarterly and annually.
Desired performance	As per Annual Training Plan.
Indicator responsibility	COO, NOE, HRE
Indicator Title	Employment Equity targets defined as per Employment Equity Plan
Definition	EE Plan.
Source of data	Staff recruitment statistics.
Method of calculation/ assessment	SAP records.
Assumptions	Accurate statistics.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: 45.2%. • Target for youth: 20% (85% of CAs under the age of 35). • Target for people with disabilities: 2%.

Spatial Transformation (where applicable)	Fostering a balance in reaching EE targets per business unit and Local Office.
Reporting cycle	Quarterly and annual EE statistics.
Desired performance	As per EE Plan.
Indicator responsibility	COO, HRE
Indicator Title	Stable and reliable Wide Area Network (WAN) and Virtual Private Network (VPN)
Definition	IT WAN maintenance.
Source of data	IT self-monitoring systems.
Method of calculation/ assessment	Data/information on system performance extracted from IT system.
Assumptions	IT self-monitoring systems operational.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	Wide Area Network (WAN) and Virtual Private Network (VPN) allows efficiency of coordinating business activities across the dispersed locations of Legal Aid SA's offices.
Reporting cycle	Quarterly MIS reports.
Desired performance	VPN connected and availability ≥95%.
Indicator responsibility	COO, ISE
Indicator Title	Stable hardware platform
Definition	IT hardware maintenance.
Source of data	IT self-monitoring systems.
Method of calculation/ assessment	Data/information on system performance extracted from IT system.
Assumptions	IT self-monitoring systems operational.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • Target for women: N/A. • Target for youth: N/A. • Target for people with disabilities: N/A.
Spatial Transformation (where applicable)	N/A

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

Spatial Transformation (where applicable)	Appropriate business activity related to cyber security measures at National Office, Provincial and Local Offices across the national footprint are accounted for in the cyber security reports.
Reporting cycle	Quarterly MIS reports.
Desired performance	≥90% of the cyber security control measures are effective in detecting and protecting Legal Aid SA's cyber security environment.
Indicator responsibility	COO, ISE

Annexures to the Strategic Plan

Annexure A: District Development Model

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