

OFFICE OF THE CHIEF JUSTICE

STRATEGIC PLAN

2020/21 - 2024/25



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA



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ACRONYMS AND ABBREVIATIONS

BBBEE	Broad-Based Black Economic Empowerment
CD	Chief Director
Constitution	Constitution of the Republic of South Africa
DDG	Deputy Director-General
DoJ & CD	Department of Justice and Constitutional Development
DPSA	Department of Public Service and Administration
GDP	Gross Domestic Product
HRM&D	Human Resource Management & Development
ICT	Information and Communications Technology
JSC	Judicial Service Commission
MP	Member of Parliament
MTSF	Medium-Term Strategic Framework
NDP	National Development Plan
OCJ	Office of the Chief Justice
PAJA	Promotion of Administrative Justice Act, 2000
SAJEI	South African Judicial Education Institute
SAPS	South African Police Service
SG	Secretary-General
SMS	Senior Management Service
SMMEs	Small, Medium and Micro Enterprises
SOPs	Standard Operating Procedures

EXECUTIVE AUTHORITY STATEMENT BY THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES



Mr Ronald Lamola, MP

The Constitution of South Africa bestows in Section 165, the judicial authority on the Judiciary. The Judiciary is therefore very key in our constitutional democracy that is geared towards the advancement of socio-economic justice in our country. In order for the Judiciary to execute its constitutionally assigned mandate, it became imperative that it be afforded the administrative support it deserves. It is because of this reason that the Office of the Chief Justice (OCJ) was established to give effect to Section 165 (4) of the Constitution which enjoins organs of State to assist and protect the courts to ensure their independence, dignity, accessibility and effectiveness.

The OCJ has developed a Strategic Plan for the 2020/21 – 2024/25 period which encompasses the support that will be provided to the Judiciary in ensuring accountability, contributing to the fight against crime and corruption as well as strengthening judicial governance and the rule of law. This plan is therefore geared towards the fulfillment of the goal of ensuring access to justice for all which is the impact that the department aims to make for the people of our country.

The OCJ's 5-year Strategic Plan is aligned with the National Development Plan (NDP) and the Medium – Term Strategic Framework (MTSF). This plan also focuses on the relevant priorities of the OCJ and aligns its strategies with the priorities of the Judiciary to ensure that it fulfills its mandate. The OCJ will continue to discharge its mandate of supporting the Judiciary by focusing on the following outcomes during the five-year period:

- Effective and efficient administrative support;
- Improved court efficiency; and
- Enhanced judicial education and support.

The OCJ's support to the independent, accessible and effective judicial system is a response to chapter 14 of the NDP (promoting accountability and fighting corruption through strengthening judicial governance and the rule of law). The NDP calls for a need of a strategy to strengthen the independence of the Judiciary. The establishment of the OCJ is one of the strategies to strengthening judicial governance and the rule of law. It also seeks to address court administration inefficiencies that denude people of their right to access to justice as espoused in the NDP. Chapter 14 of the NDP provides that judicial governance concerns independence and accountability of the judicial branch of State, and also encompasses issues such as administration of the courts.

The Constitution entrusts me with the responsibility to rationalise the courts with a view to establish a single judicial system that is in line with the provisions of Section 166 of the Constitution. This is a continuous responsibility that requires the Executive branch of State to work together with the Judiciary in this regard. The Department of Justice and Constitutional Development will also continue with its efforts of supporting the OCJ as it plays a critical role that displays government's commitment to ensuring that all South Africans have the assurance that our constitutional democracy is guarded by an independent Judiciary.

We will also continue to capacitate the South African Judicial Education Institute (SAJEI) to fulfill its mandate of prioritising training for serving and aspirant Judicial Officers in order to ensure that quality education and training courses are offered for the effectiveness and efficiency of Superior Courts. Furthermore, we commit as the Executive to develop policies timeously, in consultation with the Chief Justice for the delivery of effective and efficient services which are accessible and most importantly valued by all users of the judicial system.

It is my pleasure to present the Strategic Plan (SP) of the OCJ for the 2020/21 - 2024/25 period, whose details are informed by the changed agenda (the NDP and government strategies) and the sustained agenda of the OCJ, which is the mandate it exists to deliver on. I remain committed to support the OCJ in ensuring the full implementation and achievement of the outcomes and targets set in this plan.



Mr Ronald Lamola, MP
Minister of Justice and Correctional Services



STATEMENT BY THE SECRETARY-GENERAL OF THE OFFICE OF THE CHIEF JUSTICE



Ms Memme Sejosengwe

The OCJ's Strategic Plan for the 2020/21 – 2024/25 period is the second Strategic Plan since our journey as a department established to support the Judiciary in ensuring effectiveness and efficiency of the administration of the Superior Courts. The OCJ exists to support the Judiciary and providing administrative support to the Superior Courts since their transfer from the administration of the Department of Justice and Constitutional Development to that of the OCJ since the 2015/16 financial year.

This Strategic Plan articulates the mandate of the OCJ, and demonstrates how the department contributes to the priorities of Government as outlined in the National Development Plan (NDP) and the Medium-Term Strategic Framework (2019 to 2024).

During the last five years, the Judiciary of South Africa has been one of the pillars of our constitutional democracy in providing access to justice for all. The fulfillment of this vision is continuously being made possible by, amongst others, the support provided by the OCJ. Measures and systems have been put in place to ensure that we continue to fulfill our mandate of supporting the Judiciary in an effective and efficient manner. The following are some of the successes of the OCJ since its establishment:

- The provision of technical support to the Chief Justice in his international obligations in view of the Constitutional Court's membership to the World Conference on Constitutional Justice (WCCJ) and Conference of Constitutional Jurisdictions of Africa (CCJA);
- Vacancy rate is currently at 7.2%, below the 10% target;
- Improvement in the audit outcome: unqualified audit outcome in 2016/17 and clean audit outcome in two consecutive financial years (2017/18 and 2018/19);
- The department achieved 74% of its targets in 2015/16, 90% in 2016/17, 100% in 2017/18 and 90% in 2018/19;
- The acquisition of the new office accommodation for the OCJ National Office;
- Capacitation of Judges President's offices with the support to manage court performance information (e.g. appointment of statisticians in all Superior Courts); and
- The operationalisation of the Limpopo Division of the High Court and the Mpumalanga Division of the High Court as part of improving access to Justice for all.

This plan outlines how the mandate of the OCJ will be implemented over the five-year period. The Strategic Plan was developed in consultation with relevant stakeholders to ensure that the OCJ

becomes a center of excellence in discharging its mandate. To give effect to the aforementioned, the OCJ has aligned its strategies with the priorities of both the Government and the Judiciary. The OCJ has translated the key identified priorities into measurable deliverables (Impact, Outcomes, and Outputs) that will be implemented and achieved for the realisation of the mandate of the department and the contribution the NDP priorities. This will ensure an effective and efficient court system that focuses on providing quality and accessible justice for all.

The OCJ will ensure a strategic deployment of resources to key service delivery areas in responding to Chapter 14 of the NDP, which calls for the promotion of accountability and fighting corruption through strengthening judicial governance and the rule of law. Efficiencies in the court system require modernised technologies. The OCJ shall leverage the advent of the Fourth Industrial Revolution (4IR) through prompt digitization of the court system focusing on prioritised Information and Communications Technology (ICT) projects that includes e-filing, digitisation of records, and the e-Judiciary. In addition, ICT infrastructure will be refreshed to be responsive to the digital transformation initiatives and improved service delivery. The OCJ will also strengthen its internal controls to promote strong governance to ensure that the department complies with applicable legislation and prescripts.

Judicial Education and Training support remains a priority of the OCJ. The South African Judicial Education Institute (SAJEI), located within the OCJ, will continue to facilitate judicial education and training for serving and aspirant Judicial Officers in line with its mandate as informed by the SAJEI Act, 2008 (Act 14 of 2008). This 5-year Strategic Plan is a concerted effort of the Office of the Chief Justice to continue providing effective and efficient support to the judicial system and Superior Courts as mandated.



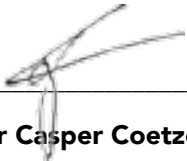
Ms Memme Sejosengwe
Secretary-General: Office of the Chief Justice



OFFICIAL SIGN-OFF

It is hereby certified that this Strategic Plan:

- Was developed by the Management of the Office of the Chief Justice under the guidance of the Minister of Justice and Correctional Services, Mr Ronald Lamola, MP;
- Takes into account all the relevant policies, legislation and other mandates for which the Office of the Chief Justice is responsible; and
- Accurately reflects the impact and outcomes which the Office of the Chief Justice will endeavor to achieve over the period 2020/21 to 2024/25.



Mr Casper Coetzer
Chief Financial Officer

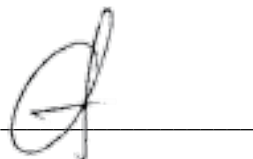


Mr Itumeleng Malao
Head Official Responsible for Planning



Ms Memme Sejosengwe
Secretary General: Office of the Chief Justice

Approved by:



Mr Ronald Lamola, MP
Minister of Justice and Correctional Services



PART A OUR MANDATE

1. CONSTITUTIONAL MANDATE

The mandate of the Office of the Chief Justice is to provide support to the Judicial Branch of the State in executing its constitutional mandate. Section 165 of the Constitution provides that the judicial authority of the Republic is vested in the courts, which are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour, or prejudice. All persons and organs of State are barred from interfering with the functioning of the courts and organs of State, and through legislative and other measures, are instructed to assist and protect the courts to ensure the independence, impartiality, dignity, accessibility, and effectiveness of the courts.

Furthermore, the Constitution Seventeenth Amendment Act formally designates the Chief Justice as the Head of the Judiciary, and entrusts the Chief Justice with the responsibility for the establishment and monitoring of norms and standards for the exercise of judicial functions of all courts. It also designates the Constitutional Court as the highest court in all matters. In order to advance the transformation imperatives of the Constitution, Schedule 6 to the Constitution provides for the rationalisation of all courts and all relevant legislation with the view to establishing a judicial system suited to the requirements of the Constitution.

2. LEGISLATIVE AND POLICY MANDATES

The Superior Courts Act, 2013 reaffirms the Chief Justice as the Head of the Judiciary responsible for the establishment and monitoring of norms and standards for the exercise of judicial functions of all courts. The Act further empowers the Chief Justice to issue written protocols or directives, or give guidance or advice to Judicial Officers – (a) in respect of norms and standards for the performance of the judicial functions; and (b) regarding any matter affecting the dignity, accessibility, effectiveness, efficiency or functioning of the courts.

According to Section 49 (1) of the Superior Courts Act, 2013, the Minister may, on the advice of the Chief Justice, make regulations regarding—

- a. any matter that may be necessary or expedient to prescribe regarding the administrative functions of courts and the effective and efficient functioning and administration of the courts, including the furnishing of periodical returns of statistics relating to any aspect of the functioning and administration of courts and the performance of judicial functions;

- b. the criteria to be applied for determining the number of judges to be appointed to the Supreme Court of Appeal and to any specific Division;
- c. any protocol to be observed in respect of any process of consultation required in terms of this Act;
- d. the determination of recess periods of the Superior Courts;
- e. property not liable to be seized in execution, as contemplated in Section 45;
- f. the manner in which representatives of the magistracy must be engaged in the application of section 8.

Section 49 (2) states that any regulation made under subsection (1) must be submitted to Parliament before publication thereof in the Gazette.

Other legislative and policies which the OCJ derives its mandate from are provided in the table below:

Table 1: Other legislative and policy mandates

SER NO	LEGISLATION / PRESCRIPT	FOCUS AREA	DESCRIPTION
1	Judicial Service Commission (JSC), Act 9 of 1994	Nominations for Judicial Appointments	The OCJ provides administrative and secretarial support to the JSC which is responsible for processing nominations and recommending to the President persons to be appointed as Judges in line with the Act.
2	Code of Judicial Conduct adopted in terms of section 12 of the JSC Act, 1994	Judicial Conduct	The OCJ provides administrative and secretarial support to the Judicial Conduct Committee. The Code provides for fair, ethical and professional conduct which the Judges should uphold.
3	Regulations on disclosures of Judges Registrable Interests (made in terms of section 13 (8) of the JSC Act, 1994)	Integrity and Ethics	The Regulations require that Judges disclose their registrable interests to the Registrar of Judges' registrable interests. The OCJ is the Registrar for Registrable Interests as required in terms of the Act.
4	South African Judicial Education Institute (SAJEI) Act 14, 2008	Judicial Education and Training	The Act provides for the establishment of SAJEI to promote the independence, impartiality, dignity, accessibility, and effectiveness of the courts through continuing judicial education.
5	Norms and Standards for the Performance of Judicial Functions issued as contemplated in section 165(6) of the Constitution, 1996 read with section 8 (2) of the Superior Courts Act, 10 of 2013.	Performance of Judicial Functions	The Norms and Standards seek to achieve the enhancement of access to quality justice for all users of the court system and ensure effective, efficient and expeditious adjudication and resolution of all disputes through the courts, where applicable. The OCJ provides support with the monitoring of the Norms and Standards implementation.
6.	Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001)	Judges' Remuneration and Conditions of Employment	This Act deals with the remuneration and conditions of employment of Judges. The OCJ only play an administrative role as part of the Judicial Support functions.
7.	Judicial Matters Amendment Act, 2015 (Act 24 of 2015)	Judges' Remuneration and Conditions of Employment	In terms of the Judicial Matters Amendment Act, 2015 (Act 24 of 2015), the general administration of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001) has been transferred from the Director-General of the DoJ&CD to the Secretary General (SG) of the OCJ with effect from 01 August 2016. This Amendment Act also seeks to transfer certain functions and responsibilities to SAJEI that were previously allocated to the DoJ&CD. Furthermore, the SG is responsible for accounting for JSC funds.

3. INSTITUTIONAL POLICIES AND STRATEGIES OVER THE FIVE YEAR PLANNING PERIOD

In implementing its mandate, the OCJ will also be guided by the priorities of the National Development Plan (Vision 2030) and the Medium-Term Strategic Framework (MTSF) as outlined below:

3.1. Contribution to the National Development Plan

The OCJ acknowledges that without a reliable, honest and efficient court system, there can be no quality and accessible justice. In the realisation of this, the Strategic Plan of the OCJ recognises and reaffirms the commitment made in the National Development Plan (NDP). This Strategic Plan coincides with the Government 2019 to 2024 MTSF which serves as a building block towards the achievement of the NDP priorities by the year 2030. Chapter 14 of the NDP explicitly spells out the important role the Judiciary has to play in strengthening judicial governance and the rule of law. The OCJ has a duty to support the Judiciary in the realisation of this vision as set out in its mandate.

It is the view of the OCJ that the full realisation of the country's vision as articulated in the NDP will culminate into a country that is accountable and progressive in its political, economic, and social standing. In implementing its mandate, the OCJ provide support to the Judiciary in contributing to Chapter 14 of the NDP (promoting accountability and fighting corruption). The contribution to this NDP priority is done through strengthening judicial governance and the rule of law as follows:

- Accelerating reforms to implement a Judiciary-led court administration;
- Ensuring an efficient court system;
- Reducing court administration inefficiencies; and
- Ensuring access to justice.

The OCJ also contributes to Chapter 13 of the NDP (building a capable State) through ensuring good governance in the administration of the Department.

3.2. Contribution to the Medium-Term Strategic Framework

In its endeavor to realise the 2030 vision, Government has realigned its strategic intent and took an approach of a targeted set of focused priorities for the 2019-2024 planning period. The OCJ as a National Department Plan is bound by these priorities and during the medium-term period, the OCJ will demonstrate how it will contribute to the MTSF. The following are priority areas the OCJ will contribute to:

(a) Priority 1: A Capable, Ethical and Developmental State

The OCJ will contribute to this priority by focusing on the following areas:

- Addressing fraud and corruption;
- Promoting an ethical culture;
- Integrating Batho Pele principles into the department's institutional culture;
- Adherence to corporate governance principles such as leadership, strategy and performance, risk and stakeholders management;
- Improved court operations systems; and
- Modernisation of the court processes and systems.

(b) Priority 2: Economic Transformation and Job Creation

Economic transformation and job creation remains at the heart of Government's agenda as one of the key priority area. The OCJ is aware of the mounting challenges facing Government regarding the slow pace of economic transformation and job creation. A concerted effort from all government departments, private sector, and civil society is required to achieve the said priority. It is for this reason that the OCJ undertakes to contribute to this priority by implementing equity programmes targeting employment and empowerment of youth, women, and people with disabilities in

both the recruitment and procurement processes. In addition, the department will be supporting Small, Medium, and Micro Enterprises (SMMEs) in its procurement processes, as well as complying with the Broad-Based Black Economic Empowerment (BBBEE) standards. This support will be embedded within the department's current programmes such as the internship programme, departmental recruitment processes as well as procurement opportunities.¹

(c) Priority 6: Social Cohesion and Safer Communities

The OCJ will contribute to the social cohesion priority by ensuring access to safe and secure court environment, improving the integrity of court processes/ outcomes, as well as capacitating/ resourcing the courts in order for them execute their mandate.

4. RELEVANT COURT RULINGS

There are no relevant court rulings that have an impact on the operations and service delivery obligations of the OCJ.

¹ The OCJs contribution discussed for this priority is indirect; therefore no specific outcomes and indicators as captured in the MTSF are included in this plan.





PART B

OUR STRATEGIC FOCUS

5. VISION, MISSION AND VALUES

VISION

A single, transformed, and independent judicial system that guarantees access to justice for all.

MISSION

To provide support to the judicial system by rendering effective and efficient court administration services.

VALUES

In the pursuit of its mandate, vision and mission, the OCJ upholds the following values:

VALUES	DESCRIPTION
Respect	<ul style="list-style-type: none"> • We treat everyone with dignity, courtesy and understanding; and • We ensure respect, protection, promotion and fulfilment of the values of the Constitution
Integrity	<ul style="list-style-type: none"> • We value openness, honesty, consistency and fairness; • We act in good faith in all day to day activities and display humility; and • We have a commitment to ethics, and focus on justice and fairness.
Transparency	<ul style="list-style-type: none"> • We are open in our processes and communicate our actions and decisions clearly
Professionalism	<ul style="list-style-type: none"> • We demonstrate the highest levels of competence, efficiency and ethical values in executing tasks
Accountability	<ul style="list-style-type: none"> • We ensure stringent standards of conduct and are answerable for our performance
Excellence	<ul style="list-style-type: none"> • We are results-oriented and cost effective when doing our work; • We understand customer's needs, respond timeously, efficiently and to customer's queries and requests; and • We strive for quality and high performance.

6. SITUATIONAL ANALYSIS

The situational analysis provides the external and internal environment within which the OCJ operates, as well as how these external and internal factors impact on ways in which the OCJ delivers on its mandate and ensuring continuous service delivery improvement. This situational analysis reflects the PESTEL analysis for the OCJ which outlines the Political, Economic, Social, Technological, Environmental, and Legal factors that have an influence on the functioning of the OCJ.

6.1. External Environmental Analysis

6.1.1. Strategic focus areas

The Office of the Chief Justice supports the Judiciary in contributing to the fight against crime. In accelerating reforms to ensure that courts are administered efficiently, the department, through the support it provides to the Judiciary, contributes to the NDP priority of strengthening judicial governance and the rule of law. Over the five-year period, the OCJ will focus on: broadening and improving access to justice and the services of the superior courts; ensuring an efficient court system and providing judicial support; reducing inefficiencies in court administration through modernisation of the systems; processes and infrastructure; as well as supporting the Chief Justice in ensuring judicial accountability.

6.1.2. The impact of the increased Jurisdiction of the Constitutional Court

The 17th Constitution Amendment Act increased the jurisdiction of the Constitutional Court so that, in addition to constitutional matters, the Court also has jurisdiction over other matters of general public importance. The Court is now the apex court, and court of final appeal, on all matters. This amendment has resulted in a marked increase in the workload of the Court. Despite these increases in the jurisdiction of the court, the court administration establishment has remained unchanged and has thereby placed increased pressure on the court's staff to ensure that access to justice is upheld.

6.1.3. The impact of the current status of the economy on access to justice

For the past five years, economic growth of our country remained below 2% against the NDP target of 5%. The medium-term budget policy statement of 2019 showed that the South African Gross Domestic Product (GDP) growth has been revised down since the 2018 Medium-Term Budget Policy Statement (MTBPS), because of a fragile recovery in employment and investment, and a less supportive global trade environment. Instead of a growth rate of about 1.7 per cent in 2019 to 2.4 per cent in 2021, the real GDP growth is considerably lower than predicted, with 1.5 per cent growth expected in 2019, rising marginally to 2.1 per cent in 2021. The South African economy contracted by 1.4% in the fourth quarter of 2019 (Statistics South Africa, 2020). The poor economic growth rate can attribute to, among others, a high rate of unemployment and high interest rates which has the potential to increase default judgments. The budget for all organs of the State continues to be affected, compelling departments to reprioritise within departmental baselines to fund their mandates.

The decline in the budget of the OCJ, which is mainly allocated to fund the provision of judicial and court services, has the potential to negatively affect the operations of the courts. Regardless of the poor economic conditions and the reduction in the budgets, the OCJ must continue to enhance access to quality justice for all by ensuring efficiency in the delivery of court services.

6.1.4. The impact of high levels of crime on the court system

According to the South African Police Service (SAPS) crime statistics for the 2018/19 financial year, a total of 2.01 million crimes were recorded, down from 2.09 million recorded in the 2017/18 financial year. This represents a 0.08 percent decrease in the number of reported crimes in the 17 public categories. Despite the reported decrease in the overall level of crime, some categories have recorded an increase. The highest increase was seen in commercial crimes, which was up 14.4 percent. There has also been a number of emerging crimes that were reported to be increasing, which ultimately puts pressure on the judicial system. For the country to achieve the long term goal of a crime free society, and ensuring that all people in

South Africa are and feel safe, the criminal justice system in its entirety must be functional and all relevant stakeholders must play their role. Amongst others,

the criminal justice system comprises of the Police, Prosecutors, the Courts, and Correctional Services as shown in the figure below.

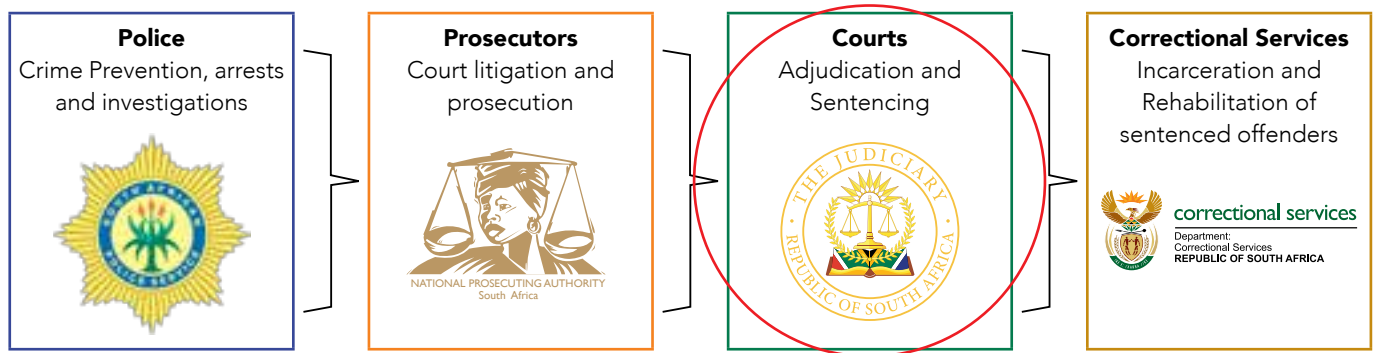


Figure 1: Composition of the Criminal Justice System

Pictures/ logos used in the figure were sourced from: www.saps.gov.za; www.npa.gov.za; www.judiciary.org.za and www.dcs.gov.za.

6.1.5. The impact of a maturing democracy on the court system

As democracy matures, the population becomes increasingly aware of their rights and interfaces more with the courts to enforce their rights. This places an additional work load on the resources of the courts and justice system at large. The needs of society to access justice cannot be avoided as it is their constitutional right. The courts must therefore be responsive to the needs of the society by ensuring an efficient court system. Despite other challenges that have been mentioned such as resource constraints, the OCJ must find ways to ensure that the services can still be delivered in line with the expectations. It is for this reason that the focus areas of this Strategic Plan emphasises effective support to the courts and the Judiciary, as well as ensuring an efficient court system, which are also in line with the NDP.

The OCJ has seen an increase in the demand for quasi-judicial services at the Superior Courts between 2016/17 to 2018/19. The number of quasi-judicial services that were lodged at the Superior Courts increased from 78 898 in 2016/17 to 101 342 in 2018/19, which shows an increase of 22% in the demand for quasi-judicial services. In the 2018/19 financial year, 97 percent of the quasi-judicial matters mentioned above were finalised.

6.1.6. The modernisation of court systems through the use of technology

Efficiencies in the court system require modernised technologies. The OCJ shall leverage the advent of the Fourth Industrial Revolution (4IR), through prompt digitization of the court system, focusing on prioritised Information and Communications Technology (ICT) projects that includes e-filing and digitisation of court records. In addition, ICT infrastructure will be refreshed to be responsive to the digital transformation initiatives and improved service delivery. An Electronic Filing System (e-filing) will provide a platform for Law Firms / Litigants to file documents to the courts electronically over the internet amongst other uses and benefits. The e-filing is meant to fully exploit the ICT advancement to minimise not just the physical movement of people and paper based court documents from parties to the courts, but also to leverage the benefits of electronic storage within the courts (i.e. faster document filing and retrieval, eradication of the misplacement of case files, concurrent access to view the same case filed by different parties). The full implementation of e-filing will enhance access to quality justice for all.

6.1.7. The impact of the change in the legal framework on SAJEI

The continuous development to the legal framework requires that the Judiciary is progressive in its affairs.

In this regard, the SAJEI provides judicial education and training for Judicial Officers. Some of the training courses that have been provided in the past included areas on court annexed mediation and case management, children's court skills, criminal court skills, family court skills, civil court skills, competition law and maritime law, judicial management and judicial ethics, as well as environmental law. These training courses are crucial in that they contribute towards enhanced service delivery and the transformation of the judiciary in line with the SAJEI Act.

6.1.8. Public perception about access to courts

The 2018 Victims of Crime Survey published by Statistics South Africa shows that 49.16² percent of households are satisfied with the way in which courts generally deal with perpetrators of crime. The remaining 50.85 percent were either not satisfied or very unsatisfied. Households who are satisfied with the way in which the courts deal with the perpetrators of crime indicated that there is a high rate of convictions, the courts pass sentences appropriate to the crime, the courts are not corrupt and they resolve cases quickly. Contrary to the above, those who indicated that they are not satisfied with the way in which courts deals with the perpetrators of crime indicated that the courts do not have enough convictions; matters drag for too long/postponements; there is no proper notice of hearing served; courts

are too lenient on criminals; courts are corrupt; bail is granted easily; some people get preferential treatment; and court staff are not accessible.

Public perception and confidence in the courts is one of the crucial factors that can be used to assess how far the courts have gone to improve access to quality justice for all. The fact that above 50% of households are not satisfied with the court system shows that the OCJ must put interventions in place that will contribute to an efficient court system that is accessible by all. Lack of public confidence on the courts has negative implications for our democracy.

6.2. Internal Environmental Analysis

6.2.1. Superior Courts supported by the OCJ

The OCJ has the mandate to support the Judiciary and Superior Courts to ensure an effective and efficient delivery of justice, with the main aim of improving access to quality justice for all. The Chief Justice is the Head of the Judiciary and exercises responsibility over the establishment and monitoring of Norms and Standards for the exercise of the judicial functions of all courts, which the OCJ supports. Below is the hierarchal structure of the Superior Courts of the Republic of South Africa as provided for in the Superior Courts Act, 2013 (Act No 10 of 2013).

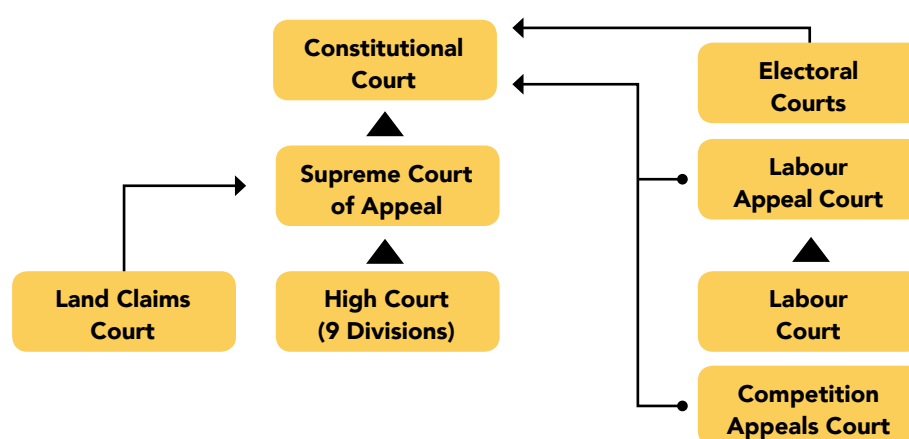


Figure 2: Hierarchal structure of the Superior Courts

The above structure shows the extent of support the OCJ must provide, which necessitates the motive for the capacitation of the OCJ.

² The 49.16 percent includes 7.08 percent of households who were very satisfied.

6.2.2. Organisational Structure of the OCJ

Sufficient capacity is crucial for the department to deliver on its mandate and the targets as set in the Strategic Plan and Annual Performance Plan. The macro-organisational structure of the department was approved at the end of the 2018/19 financial year, which makes it imperative that the filling of the critical posts is fast tracked especially, for the strategic layer of Deputy Director-Generals (DDGs); which the department has

operated without since its establishment. The OCJ exists to provide support to the Judiciary and the courts. As a result, capacity to support the Judiciary must be ensured including providing necessary scarce skills to the courts. Priority in filling posts is given to the core staff such as Registrars and Researchers. The macro-structure of the department is depicted in the figure below.



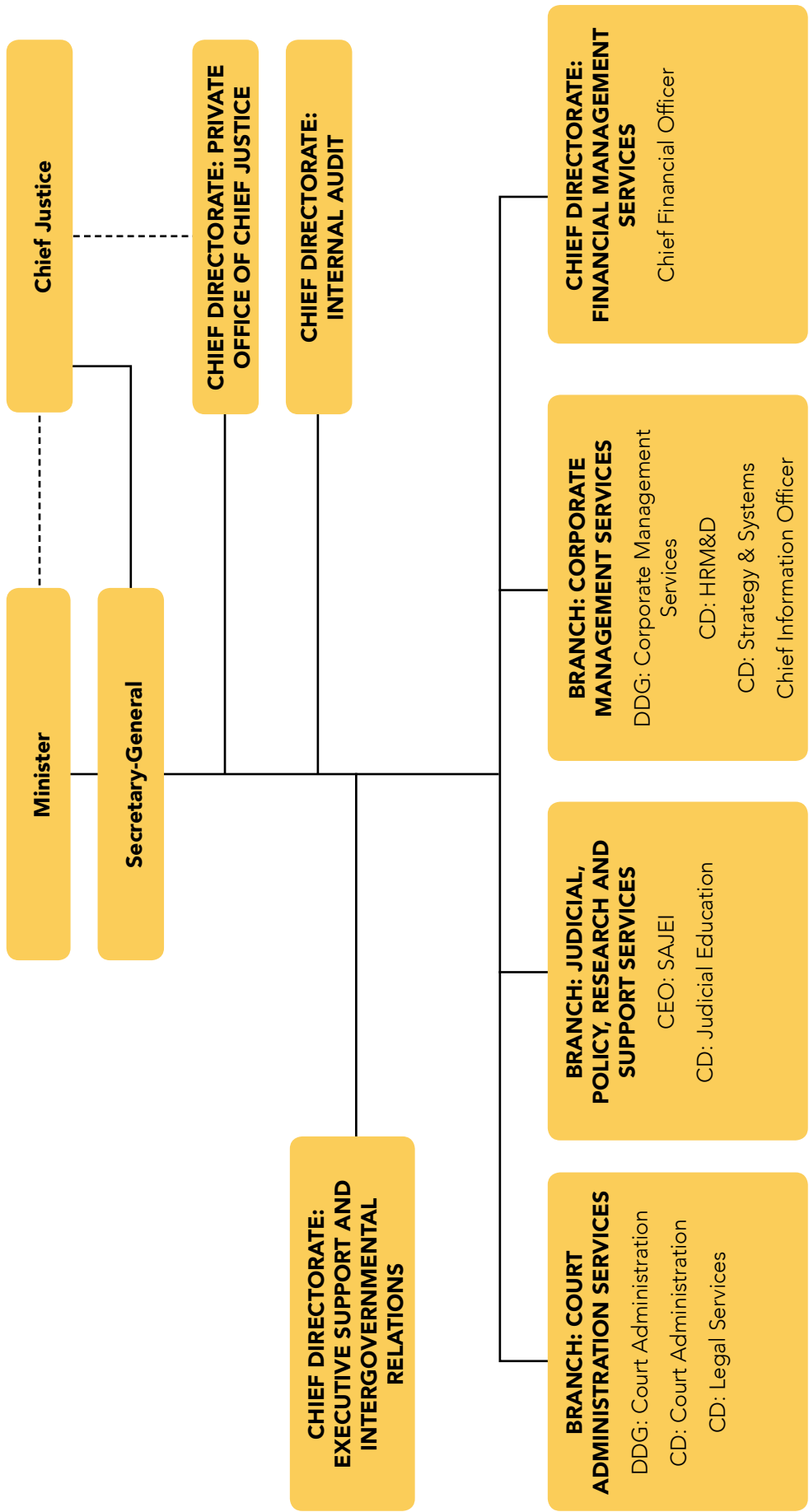


Figure 3: Macro-Organisational Structure of the OCJ

6.2.3. Information Communication and Technology (ICT) as a Strategic Partner to business

ICT remains a strategic enabler and partner to the delivery of the mandate of the department. The use of ICT can contribute in improving the efficiency of court processes; reducing the cost of operations; improving security of court records documents; improve access to justice; reduce document search period; and achieving an instant result (just in time). Most importantly, with the increase in fraud and corruption across the country and with the courts experiencing a challenge of the increase in fraudulent court orders, ICT presents an opportunity for the courts to eliminate fraud and corruption. For the ICT benefits to be realised, it is important that the OCJ's ICT's function is capacitated and the department has the appropriate ICT Infrastructure (Hardware, Netware and Network). This requires that correct architectures are established and implemented, such as the mapping of business processes. Further, the management of knowledge and intellectual property are crucial for future knowledge generation.

To achieve the above, the department will embark on a number of projects in the next 5 years (2020/21 to 2024/25) through the effective implementation of the ICT Strategic Plan. The ICT 5-year Strategic Plan outlines the technology roadmap to automate/digitize and transform the business of the OCJ in order to achieve its mandate and the department's vision of delivering a single, transformed, and independent judicial system that guarantees access to justice for all.

6.2.4. Financial Resources

With the need to capacitate the department (Human Resources, ICT, and Capital Infrastructure etc.), financial resources has previously been a limitation. Due to the dire economic position of the State and the change in priorities in line with the NDP, the department has found itself having to reprioritise the already constrained resources in order to ensure improved capacity. The voted budget of the OCJ grew from R 767 million in 2015/16 to R 1.1 billion in 2019/20. This increase was mainly due to the addition of two new Superior Courts which were opened in 2016 and 2019 respectively (i.e. the Limpopo Division of the High Court, Polokwane and the Mpumalanga Division of the High Court).

Another reason for growth was the capacitation of the Superior Courts subsequent to establishing the vote. The main initiatives which are still underfunded are the provision of additional human resources for improved court efficiency, as well as the need for court modernisation projects through ICT. It should be noted that the budget of the OCJ as reflected in the Estimates for National Expenditure includes the direct charge against the National Revenue Fund for Judges' salaries.

6.2.5. The status of the institution regarding compliance with the BBBEE Act

The OCJ, in its supply chain processes complies with the BBBEE Act. This is done through the advertisement of tenders as well as request for quotations that exceeds R30 000 where the BBBEE ratings are taken into consideration. The OCJ will continue to comply with the BBBEE legislation and prescripts.

6.2.6. The status of the institution regarding women, youth and people with disabilities

The OCJ supports women, youth, and people with disabilities when implementing its mandate. As at 31 March 2019, the OCJ had a total of 37 Senior Management Service (SMS) members, of which 14 were female, and 23 were male. Although the Department did not achieve the target of 50% females at senior management and the target of 2% for people with disabilities representation, it remains committed to recruiting women in management positions as well as people with disabilities. The number of employees with disabilities was 21, which represents 1.08% of the OCJ staff complement. In supporting the youth, the OCJ recruited 40 interns in order to provide them with necessary skills that will prepare them for the work environment. During the five-year period, the OCJ will continue to empower women, youth and people with disabilities through its procurement and recruitment processes.



PART C

MEASURING OUR PERFORMANCE

7. INSTITUTIONAL PERFORMANCE INFORMATION

7.1. Measuring the Impact

Impact statement	Quality and accessible justice for all
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7.2. Measuring Outcomes

7.2.1. Outcome 1: Effective and efficient administrative support

Table 2: Outcome, Outcome indicator and 5-year target

MTSF Priority 1: A Capable, Ethical and Developmental State				
No	Outcome	Outcome Indicator	Baseline	Five Year Target
1.	Effective and efficient administrative support	Percentage of staff trained in line with the Workplace Skills Plan (WSP)	New target ³	80%

7.2.1.1 Explanation of planned performance over the five year planning period

(a) The contribution of the outcome towards the achievement of the NDP, MTSF and the mandate of the department

The main aim of the outcome **"effective and efficient administrative support"** is to ensure that the department has proper governance structures and systems that support the overall management of the department, as well as the delivery of core services provided by the OCJ. The outcome is linked and contributes to Chapter 13 of the National Development Plan *"Building a capable State"* and Priority 1 of the MTSF which is *"A Capable, Ethical and Developmental State"*.

(b) The rationale for the choice of the outcome indicator relevant to the respective outcome

The outcome *"effective and efficient administrative support"* is measured by a capacitated work force of the OCJ. The choice of this indicator is based on the fact that effective and efficient administrative support would be possible if the OCJ has a skilled workforce, through continuous provision of education and training as informed by the Workplace Skills Plan of the department. In addition, if the work force is capacitated on different functional areas, this is envisaged to

contribute in ensuring that the department has good governance systems that support the provision of the mandated services of the department.

(c) Explanation of enablers to achieve the five-year target

Despite ongoing challenges relating to inadequate human and financial resources, the department has put in place adequate systems of effective internal controls to provide reasonable assurance necessary to contribute to the achievement of the five-year target. Amongst others, these controls include effective management practices, business processes, monitoring and evaluation, standard operating procedures, policies and governance structures to support the organisational strategy.

Effective administrative support is dependent on the department having sufficient resources (financial, human, systems and infrastructural resources) and relevant skills. Training of staff is dependent on the availability of resources and proper identification of key training areas that would add value in ensuring the effective and efficient administrative support. The continuous decrease in the budget of the department which negatively affects capacitation of the OCJ in the areas of human resources, ICT, and Infrastructure has the potential to negatively impact the achievement of the set target.

³ There is no historical information on the outcome indicator as it is new.

(d) Explanation of the outcome contribution to the achievement of the impact

Quality and accessible justice for all, which is the impact the OCJ aims to achieve through implementing its mandate, can only be realised if the department has proper systems in place including the efficient and accountable management of its resources. For the courts to deliver on their mandate and ensure

that there is improved quality and accessible justice for all, effective and efficient administrative support is crucial. Furthermore, the success of every institution is dependent on the efficiency of its administrative processes. Good administrative processes and systems are effective building blocks towards improved governance, performance, and service delivery.

7.2.2. Outcome 2: Improved court efficiency

Table 3: Outcome, Outcome Indicator and 5-year target

MTSF Priority 6: Social Cohesion and Safer Communities				
No	Outcome	Outcome Indicator	Baseline	Five Year Target
2.	Improved court efficiency	Percentage finalisation of quasi-judicial matters within prescribed timeframes	New target ⁴	90%

7.2.2.1. Explanation of planned performance over the five year planning period

(a) The contribution of the outcome towards the achievement of the NDP, MTSF and the mandate of the department

The main aim of the outcome **“improved court efficiency”** is to ensure that Superior Courts deliver their services in an efficient manner. This includes the support which the OCJ provides to judicial functions and court administration related functions, mostly focusing on the quasi-judicial functions. This outcome contributes to Chapter 14 of the NDP “promoting accountability and fighting corruption” and Priority 6 of the MTSF, which focuses on “Social Cohesion and Safer Communities”. An efficient court system contributes to building safer communities, which is one of the focus areas of the MTSF. In addition, building an efficient court system that is free from corruption and promotes integrity is in line with the MTSF impact “all people in South Africa are safe”.

(b) The rationale for the choice of the outcome indicator relevant to the respective outcome

The outcome is measured by the finalisation of quasi-judicial matters within prescribed timeframes. Finalisation of these matters within the prescribed timeframes ensures that court users receive the services in the most efficient manner, which also contributes to improved public trust / confidence in the overall court system.

(c) Explanation of enablers to achieve the five-year target

An efficient court system, measured through the finalisation of quasi-judicial matters within prescribed timeframes is dependent on the reduction of court administration inefficiencies resulting from inefficient processes, limited resources and increased workload which is not commensurate with the available resources. Further, to some extent there are dependencies on other stakeholders and court users on some of the court processes. In order to achieve the five-year target for this outcome indicator, it is crucial that proper stakeholders’ relations are maintained and the courts are sufficiently capacitated to enable them to deal with the increasing workload. Capacitation refers to ensuring that the courts have skilled human resources, proper and efficient IT infrastructure and services, proper physical infrastructure, and efficient processes.

(d) Explanation of the outcome’s contribution to the achievement of the impact.

Quality and accessible justice for all would be realised if the court system is efficient, and responsive to the needs and the expectation of court users. An efficient court system reduces the level of unmet needs of court users as access to justice must be citizen-focused.

⁴ There is no historical information on the outcome indicator as it is new.

7.2.3. Outcome 3: Enhanced judicial education and support

Table 4: Outcome, Outcome indicator and 5-year target

MTSF Priority 6: Social Cohesion and Safer Communities				
No	Outcome	Outcome Indicator	Baseline	Five Year Target
3.	Enhanced judicial education and support	Increased Judicial education courses	142 ⁵ judicial education courses conducted	550 judicial education courses ⁶

7.2.3.1. Explanation of planned performance over the five year planning period

(a) The contribution of the outcome towards the achievement of the NDP, MTSF and the mandate of the department

The main aim of the outcome “*enhanced judicial education and support*” is to ensure that the OCJ provides administrative and technical support that enables the Judiciary to deliver on its Constitutional mandate. This support includes judicial training, administrative and secretariat support to the Judicial Service Commission, administration of Judges’ Registrable Interests and administration of Judges’ conditions of service. The outcome contributes to Chapter 14 of the NDP “*promoting accountability and fighting corruption*” and Priority 6 (Social Cohesion and Safer Communities) of the MTSF.

(b) The rationale for the choice of the outcome indicator relevant to the respective outcome

Although the outcome focuses on the support relating to judicial training, administrative and secretariat support to the Judicial Service Commission, administration of Judges’ Registrable Interests and administration of Judges’ conditions of service, the outcome indicator chosen to measure the success of the outcome focuses on judicial training. This is because judicial education and training encompasses different areas contributing to the success of the outcome as a whole. Judicial education and training is aimed at improving the skills and knowledge of serving and aspirant Judicial Officers through judicial education as informed by the SAJEI Act.

(c) Explanation of enablers to achieve the five-year target

The achievement of the five-year target for the indicator “*increased judicial education courses*” is dependent on the availability of budget, Judicial Educators and Judicial Officers. There are interdependencies that have an impact on the achievement of planned targets, such as ad-hoc requests informed by operational needs at the courts as identified by Judicial leadership, legislative and/or policy changes. For example, in 2019/20 financial year, rules pertaining to PAJA applications were amended as per Government Gazette notice number 42740 dated 4 October 2019. As a result, SAJEI, had to conduct ad-hoc training on PAJA to respond to legislative changes and operational needs.

(d) Explanation of the outcome’s contribution to the achievement of the impact.

Quality and accessible justice for all is not possible if the Judiciary is not well resourced, there is no means to train Judicial Officers and there is no accountability and ethics in the Judiciary. This outcome ensures that effective and efficient support is provided to the Judiciary in ensuring that the Judiciary is able to ensure quality and accessible justice for all.

5 The baseline is based on the audited performance for the 2018/19 financial year including 62 ad hoc training courses conducted additional to the APP target of 80.

6 The 550 target represent the number of training courses to be conducted over the MTSF period.

8. KEY RISKS

The table below provides the key risks of the department which are aligned to the three outcomes. The root causes and mitigation strategies are also provided per risk.

Table 5: Key risks per outcome

OUTCOME	RISK PER OUTCOME	ROOT CAUSES	RISK MITIGATION
1. Effective and efficient administration support	Inability to fully capacitate the OCJ.	Inability to attract critical and relevant scarce skills due to budget constraints and Department of Public Service and Administration (DPSA) prescripts.	<ul style="list-style-type: none"> • Reprioritization of budget to fund critical posts. • Manage the implementation of the approved OCJ Structure within the budget constraints and DPSA requirements.
	Possible exposure to fraud and corruption	Inability to detect the incidents of fraud and corruption	<ul style="list-style-type: none"> • Reinforcement of the reporting procedures in the courts. • Strengthen internal controls relating to financial management and court order processes. • Continuous investigation of the cases (in collaboration with SAPS). • Develop the schedule of the Internal Court Order Integrity Committee (COIC) meetings and monitor the implementation thereof. • Strengthen awareness on fraud and corruption within OCJ.
2. Improved court efficiency	<ul style="list-style-type: none"> • Inefficient administration of the courts • Inadequate administrative support to ensure court efficiency 	<ul style="list-style-type: none"> • Inadequate implementation of Standard Operating Procedures (SOPs), Registrars Code & Court Rules • Non-adherence to legislated court procedures. • Inadequate maintenance of the systems 	<ul style="list-style-type: none"> • Monitor the implementation of the SOPs, Registrars Code & Court Rules and compile a monitoring report. • Monitor performance and compliance to legislated court procedures and compile report. • Conduct routine maintenance and regular monitoring of the systems
3. Enhanced judicial education and support	Inadequate resources to conduct judicial education and provide support	<ul style="list-style-type: none"> • Insufficient number of Judicial Educators assigned to SAJEI to facilitate and coordinate training • Lack of automated administrative systems for the management of Judges conditions of service. 	<ul style="list-style-type: none"> • Implementation of the e-learning module for Judicial Education • To develop and implement automated administrative system for the management of Judges conditions of service.

9. PUBLIC ENTITIES

The OCJ does not have any public entities.





PART D

TECHNICAL INDICATOR DESCRIPTIONS

Indicator Title	1. Percentage of staff trained in line with the Workplace Skills Plan (WSP)
Definition	This is the number of officials to be trained in line with the Workplace Skills Plan (WSP) of the Department which addresses the training and development needs of officials in the workplace. The indicator is intended to measure the provision of training to address identified skills gap through capacity development interventions.
Source of data	Workplace Skills Plan and Signed Training Reports
Method of calculation / Assessment	Quantitative (Number of officials trained in line with the WSP/ Number of officials identified in the defined/ targeted training interventions of the WSP) x 100
Assumptions	Officials submit the training needs for inclusion in the WSP
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)	<ul style="list-style-type: none"> • Reflect on contribution to spatial transformation priorities: N/A • Reflect on the spatial impact area: N/A
Desired Performance	Increased number of officials trained within the OCJ
Indicator Responsibilities	Chief Director: Human Resource Management and Development

Indicator title	2. Percentage finalisation of quasi-judicial matters within prescribed timeframes
Definition	<p>The indicator measures the finalisation of quasi-judicial matters based on the set timeframes. The quasi-judicial matters to be measured in this indicator are default judgments, taxation of legal bills of costs and warrant of liberations/release.</p> <p>Quasi-judicial functions are powers and procedures granted to Registrars, in specific instances, resembling those of a Judge. Such actions are able to finalise legal disputes between parties.</p>
Source of data	<ul style="list-style-type: none"> • Default judgments application and order • Bills of legal costs and proof of set down • Warrants of release (J1)
Method of calculation / Assessment	<p>Quantitative (Total number of quasi-judicial matters finalised within prescribed timeframes / Total number of quasi-judicial matters finalised) x 100:</p> <ul style="list-style-type: none"> • The numerator is the total number of taxations of legal bills of costs finalised within 60 working days plus the total number of default judgments finalised within 14 working days plus the total number of warrants of release delivered within one day of the release issued. • The denominator is the total number of default judgments finalised plus the total number of taxations of legal bills of costs finalised plus the total number of warrants of release issued. <p>The result of the above calculation is multiplied by 100 in order to get a percentage.</p> <p>* Default judgments finalised means those that are granted, refused or referred to open court.</p> <p>* Taxations of legal bills of costs finalised within 60 days' means bills of costs that are taxed and settled.</p> <p>* The 5 year targets will be calculated using the audited annual performance (actual numbers) for the three quasi-judicial areas.</p>
Assumptions	<ul style="list-style-type: none"> • Quasi-judicial matters will be finalised within the timelines • Quasi-judicial matters brought before the Registrars comply with the court rules
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)	<ul style="list-style-type: none"> • Reflect on contribution to spatial transformation priorities: N/A • Reflect on the spatial impact area: N/A
Desired performance	Increased finalisation of quasi-judicial matters within prescribed timeframes
Indicator responsibilities	Chief Director: Court Administration

Indicator Title	3. Increased judicial education courses
Definition	This is the quantification of an increase in the judicial education courses offered to serving and aspiring Judicial Officers. Judicial education courses refer to both substantive (e.g. civil court skills) and soft skills (e.g. communication in the court room) courses offered to Judicial Officers which are decided upon by the SAJEI Council and the Curriculum Committee of SAJEI.
Source of Data	Judicial education courses outline, the list of courses offered and nominees
Method of Calculation/ Assessment	Quantitative (Simple count of the number of courses conducted against the set target)
Assumptions	<ul style="list-style-type: none"> • The target will be achieved unless there are ad-hoc requests (i.e. requests that are not part of the planned courses) informed by operational needs at the courts, legislative/or policy changes. • Availability of Judicial Officers, Judicial Educators and budget.
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)	<ul style="list-style-type: none"> • Reflect on contribution to spatial transformation priorities: N/A • Reflect on the spatial impact area: N/A
Desired Performance	Increase in the number of judicial education courses conducted
Indicator Responsibilities	CEO: SAJEI

ANNEXURES

ANNEXURE A: DISTRICT DEVELOPMENT MODEL

The district development model is not applicable for the OCJ.



[illegible]

NOTES:

[illegible]



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