



**REPORT ON INSPECTIONS OF COURTS:
DEPARTMENT OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT**

NORTH WEST PROVINCE

JANUARY 2012

FOREWORD

During 2010, the Public Service Commission (PSC) conducted inspections in the Department of Police focusing on detective services. One of the key findings of the inspections was the delay in the finalization of cases in the courts which led to a backlog¹. Given the crucial role played by the courts in effecting justice, the Public Service Commission (PSC) decided in 2011 to conduct service delivery inspections of the Regional courts in the Department of Justice and Constitutional Development (DoJ&CD). The purpose of these inspections was to determine the reasons for the backlog of cases at the courts, especially those cases that require detective service. Furthermore, the inspections sought to assess the adherence of the courts to the service delivery principles of *Batho Pele* as a key strategy for the transformation of the Public Service delivery.

In South Africa, the courts are central to the delivery of justice, since the judicial authority lies within the court system. In this regard, the DoJ&CD is mandated amongst others, to ensure that the courts system is administered efficiently and effectively to facilitate the resolution of cases. Furthermore, the DoJ&CD is responsible for ensuring that justice is realised by providing an appropriate environment in terms of the establishment of courts and the operations thereof to deliver a fair, equitable and accessible system of justice for all. The delivery of justice is performed with multiple stakeholders, amongst others, the Judiciary and the National Prosecuting Authority (NPA).

The inspections of the courts, led by Public Service Commissioners found that the lack of cooperation amongst stakeholders has impacted negatively on the efficiency of the courts. Furthermore, the perennial human and infrastructural constraints facing the courts have contributed to the backlog of cases, while the unavailability of an efficient case registration system to monitor cases has prevented the effective mapping of progress on backlog cases.

It gives me pleasure to present the report on inspections of the Regional courts conducted in the North West Province. The PSC is of the view that the findings and the recommendations contained in this report will help the Department and its stakeholders in improving service delivery at the courts.

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CHAIRPERSON: PUBLIC SERVICE COMMISSION

¹The Republic of South Africa. Public Service Commission. Report on Inspections of Detective in the Department of Police (Unpublished). 2010/11.

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LIST OF ACRONYMS

| | |
|--------|--|
| AO | Accounting Officer |
| CFM | Case Flow Management |
| DCS | Department of Correctional Services |
| DCRS | Digital Court Recording System |
| DNA | Deoxyribonucleic Acid |
| DoJ&CD | Department of Justice and Constitutional Development |
| EA | Executive Authority |
| FSL | Forensic Science Laboratory |
| IT | Information Technology |
| LASA | Legal Aid South Africa |
| NPA | National Prosecuting Authority |
| PSC | Public Service Commission |
| RC | Regional Court |
| RCPF | Regional Court Presidents Forum |
| SAPS | South African Police Service |

1. INTRODUCTION AND BACKGROUND

Improved service delivery for the citizens of South Africa remains a key priority for the government. To this end, the government has outlined twelve outcomes in order to fulfil this mandate of delivering services to all. Therefore, various government departments are required to put systems and processes in place to ensure that these outcomes are achieved. However, the progress of activities directed at attaining these outcomes need to be assessed on a regular basis. In this regard, the Public Service Commission (PSC) in its role as an oversight body has put in place a range of monitoring mechanisms that can be used to establish the progress that is being made in improving service delivery in the Public Service. One such mechanism involves the inspections of service delivery sites. Through inspections, the PSC observes, collect information and allow officials of departments to account for the state of affairs at the service delivery sites. Subsequently, the PSC advises on the necessary steps to be taken to improve service delivery.

In conducting inspections, the PSC is mandated by section 9 of the Public Service Commission Act (1997) which provides that *“the Commission may inspect departments and other organizational components in the Public Service, and has access to such official documents or may obtain such information from Heads of those departments or organizational components or from other officers in the service of those departments or organizational components as may be necessary for the performance of the functions of the Commission under the Constitution or the Public Service Act²”*.

In line with the above-mentioned mandate, the PSC developed a Protocol on Inspections³. The purpose of the Protocol on Inspections is to assist the PSC to conduct inspections in a meaningful and objective manner, which is important for both the integrity of the inspection process and the quality of the reports that are subsequently generated.

Guided by the Protocol, the PSC has since 2006/2007 been conducting inspections of service delivery sites in various departments and the following departments were inspected:

- National Department of Home Affairs and Labour, Housing (Gauteng) and Social Development (Free State) in 2006/2007.
- Departments of Education in eight provinces and National Head Office in 2007/2008.
- South African Police Service in 2008/2009.
- Departments of Health in all provinces in 2009/2010.
- National Department of Police in 2010/2011.

² The Public Service Commission Act, 1997 (Act No 46 of 1997)

³ Public Service Commission. Protocol for conducting Public Administration Investigations

The PSC's 2010/2011 financial year inspections conducted in the Department of Police focused on detective services. One of the key findings of the inspections was the delay in the finalization of cases in court which led to a backlog. In order to consolidate its findings in this area, the PSC decided in 2011/2012 financial year to conduct inspections in the Department of Justice and Constitutional Development (DoJ&CD). The purpose of these inspections was to determine the reasons for the backlog of cases at the courts, especially those cases that require detective services and to assess the adherence of the courts to the service delivery principles of *Batho Pele* as a key strategy for the transformation of the Public Service delivery.

2. THE AIM AND OBJECTIVES OF THE INSPECTIONS

The broad aim of the inspections is to assess the quality of services rendered to the public, the state of the facilities and the conditions at the service site. It is also the objective of inspections to determine if government departments are achieving the required service standard, intended to meet the needs of the people of South Africa. The following table shows the broad objectives of inspections as provided by the PSC Protocol on Inspections as well as specific objectives of these particular inspections in the Department of Justice and Constitutional Development.

Table 1: Objectives of inspections

| Broad objectives of inspections as provided for in the Protocol on inspections | The specific objectives of these inspections |
|---|---|
| <ul style="list-style-type: none"> a) To afford the PSC an opportunity to observe the extent to which services are rendered to citizens and to get a sense of what kind of service delivery challenges are facing the Departments. b) To engender a sense of urgency and seriousness among officials regarding service delivery. c) To introduce objective mechanisms of identifying both weaknesses and strengths in improving service delivery. d) To report serious concerns about the quality of service delivery and compliance with <i>Batho Pele</i> requirements. e) To carry out investigations of serious failures as pointed out by inspections. f) To improve service user care relations in order to improve a user-oriented Public Service. | <ul style="list-style-type: none"> a) To determine the reasons for the backlog of cases at the courts, especially those cases that require detective services. b) To determine whether the courts comply with the implementation of the <i>Batho Pele</i> principles. c) To gather first-hand information regarding the state of service delivery and the functioning of the courts as service delivery sites of the DoJ&CD. |

3. SCOPE AND METHODOLOGY

3.1 SCOPE

The inspections sought to determine the reasons for the backlog of cases at the courts, especially those cases that require detective services and to assess the adherence of the courts to the service delivery principles of *Batho Pele* as a key strategy for the transformation of the Public Service delivery. The specific inspections were conducted at the Ga-Rankuwa and Taung Regional Courts on the 4th and 6th of October 2011 respectively. The aforementioned sites were identified as having the highest backlog of cases. **Table 2** below shows the list of the inspection sites (courts) visited, names of officials that met with the inspection team and their respective institutions as well as the dates on which inspections were conducted.

Table 2: Inspection sites

| Inspection sites | Name of Officials | Institution | Date |
|--------------------------|-------------------|-------------|------------|
| Garankuwa Regional Court | MM Seletisha | NPA | 04/10/2011 |
| | NL Shongwe | LASA | |
| | KM Makhetha | LASA | |
| | JB Skosana | DoJ&CD | |
| | GT Nkotsoe | DoJ&CD | |
| | JR Tladi | DoJ&CD | |
| | DD Mogotsi | DoJ&CD | |
| | SM Mokwena | SAPS | |
| Taung Regional Court. | Mr T Malema | DoJ&CD | 06/10/2011 |
| | Ms JR Tladi | DoJ&CD | |
| | Ms GT Nkotsoe | DoJ&CD | |
| | Mr V Mayisela | LASA | |
| | Mr Coghlan | SAPS | |
| | Mr P Sekoadi | NPA | |
| | Mr BJ Monare | NPA | |
| | Mr AS Seokolo | NPA | |
| | S Du Toit | DoJ&CD | |
| | JA Fourie | DoJ&CD | |
| | H Sevlall | DoJ&CD | |
| | I Kearney | DoJ&CD | |

3.2 METHODOLOGY

To initiate the inspection process, letters were sent to the Executive Authority (EA) and the Accounting Officer (AO) of the DoJ&CD informing them about the PSC's intention to conduct

inspections in the courts. Furthermore, letters were also sent to other stakeholders such as the National Prosecution Authority (NPA) and the Magistrates Commission. This was to ensure that their views on the matter of backlog of cases at the courts were obtained during the inspection process.

The PSC conducted both announced and unannounced inspections. The announced inspections focused on the backlog of cases at the courts, whilst the unannounced inspections focused on the compliance of the courts with the *Batho Pele* principles. In the case of **Announced** inspections, preliminary discussions were held with officials of the DoJ&CD to obtain their inputs on the PSC's data collection tool and also seek their assistance with the logistics of the inspections, especially the coordination of the stakeholders. Furthermore, this was to ensure that all the required information would be made available at the time of the inspections.

Unannounced inspections were conducted after the announced inspections. Unannounced inspections provide the most representative picture of the daily operations and practices of a service delivery site. The inspection team comprised the PSC Commissioner and the OPSC officials. The Commissioner played a leading role in the inspections process. PSC-designed data collection tools were used to guide and to gather information during the inspections.

4. KEY FINDINGS

The key findings of the inspections are presented below. The findings of the announced inspections are presented first followed by the findings of the unannounced inspections.

4.1 ANNOUNCED INSPECTIONS

The Department of Justice and Constitutional Development (DoJ&CD) aims to uphold the Constitution and the rule of law and render accessible, fair, speedy and cost effective administration of justice in the interest of a safer and more secure South Africa. On a daily basis, courts at various levels perform their functions, thus providing fair public hearings through independent and impartial tribunals/forums. However, the delay in the finalisation of cases (which leads to a backlog) compromises the efficiency of the courts in the delivery of services. The following findings highlight the status of backlog cases at the regional courts, reasons contributing to backlog cases, the Criminal Justice System interventions on dealing with backlog cases and stakeholder relations at the Regional Courts visited.

4.1.1 *Status of Backlog Cases at the Regional Courts*

The inspection team established that the Ga-Rankuwa and Taung Regional Courts were identified as the sites with backlog cases. The backlog cases were defined as cases more than six months on the District Court roll, nine months on the Regional Court roll and twelve months on the High Court roll. According to the statistics provided, the Taung Regional Court had a caseload of 178 cases, with 58 (32.58%) of the cases constituting the backlog cases, during the 2010 period. However, the statistics for the previous years, namely, 2008 and 2009, were not provided and no specific reasons were given. Furthermore, apart from indicating that the backlog was being reduced, it could not be established which of the cases finalized constituted backlog cases as well as which of those cases were finalized in terms of, for instance, alternative dispute resolution mechanism, a verdict granted, withdrawal or transferal to the High Court. With regard to the Ga-Rankuwa Regional Court, no statistics were provided despite the inspection team's repeated efforts to obtain them and as a result, the status of backlog cases could not be established. The foregoing highlights a lack of an effective and efficient data management system for monitoring cases in general and the backlog cases in particular.

4.1.2 *Reasons Contributing to the Backlog of Cases*

The inspection team established that there were various challenges that contributed to the backlog of cases at the Regional Courts. The following shows some of the challenges that contributed immensely to the case backlog:

4.1.2.1 *Human Resource Constraints*

The availability of key and competent personnel is critical to driving processes and ensuring that assigned tasks are executed effectively and efficiently. The inspection team noted that both the Ga-Rankuwa and Taung Regional Courts have support personnel reporting to Court Managers. However, it was found that both courts experienced a shortage of personnel in key areas. According to the findings of the inspection team, the Taung Regional Court has a shortage of one (1) Magistrate. Often when the Magistrate is on leave or unavailable for other reasons, the cases would be postponed leading to an increase in backlog cases. There was also a need for an additional one (1) Digital Court Recording System (DCRS) Operator. It was indicated that the required DCRS operator should serve as backup when other staff members would be on leave. It was further found that the Taung Regional Court does not have a Maintenance Clerk. With regard to the Ga-Rankuwa Regional Court, the inspection team found that the court requires an additional two (2) E-Scheduler Clerks, one (1) Maintenance Clerk to handle enquiries, two (2) Domestic Violence Clerks and one (1)

Estate Clerk. Both the Taung and Ga-Rankuwa Regional Courts indicated that they have sufficient Prosecutors. The Legal Aid South Africa has provided one (1) legal aid representative per court to assist complainants or the accused who could not afford appointing own private attorneys. However, overall the inspection team found the available human resources to be insufficient to handle cases especially considering that the Taung Regional Court had over a third (32.58%) of its caseload being backlog cases.

4.1.2.2 Insufficient Infrastructural Resources

Resources such as Information Technology (IT) equipment, namely, computers, printers, photocopiers, are essential in generating the necessary paperwork especially since the court proceedings often rely on such actual evidence to arrive at certain outcomes. According to the findings of the inspection team, both the Ga-Rankuwa and Taung Regional Courts have sufficient IT resources. However, it was found that the inspected courts often experienced power outages and as such, it would not be possible to produce key documents for use during court sessions which would in some instances lead to postponement of cases.

Another infrastructural challenge that was raised related to accommodation. The buildings housing the Ga-Rankuwa and Taung Regional Courts were also occupied by the National Departments of Home affairs and Agriculture respectively, and as such, there was limited office space. Furthermore, the buildings were found to be old and dilapidated and as a result, there were no prospects of being altered in order to increase the office space. As a result of the insufficient office space the DoJ&CD cannot recruit additional staff which contributes to the perennial staff shortage at the two courts. The lack of office space at the Taung Regional Court resulted in the inspection team convening its meeting with the stakeholders in Vryburg since the court did not have a boardroom.

4.1.2.3 Poor access to court services

The demarcation of boundaries has also presented serious cooperation challenges due to the fact that the Ga-Rankuwa Regional Court, being located in the North West Province, and the SAPS being situated in the Gauteng Province, fell under different administrations and spheres of government. Although the process of transferring the court to the Gauteng Province was underway, the delay in finalizing the process is impacting negatively on service delivery in that some minor challenges may not be immediately addressed without requiring intervention at political level.

While the SAPS provides valuable assistance in the transportation of witnesses, the pre-1994 configuration was found to be problematic since it did not address issues of access by the previously disadvantaged communities. Due to the vastness of the courts' jurisdiction,

witnesses are transported over long distances and sometimes overnight to reach the courts, which can delay court proceedings or even result in the postponement of cases. A further pre-1994 configuration challenge was that the areas being serviced by the inspected courts were mainly rural and affected by a high unemployment rate with a poor public transportation system. As a result, some communities from far-flung areas, who often have to travel long distances, would fail to appear in court or arrive late only to find their cases already postponed. The resulting lengthy time in finalizing cases due to circumstances beyond their control were found to discourage complainants from pursuing their cases and leading to cases being withdrawn or struck off the roll, which points to *“justice delayed, is justice denied”*.

4.1.2.4 Poor utilisation of court hours:

The DoJ&CD indicated that the prescribed court hours are from 09h00 to 16h00 with relevant adjournments in between. It was further indicated that each Regional Magistrate has to manage the utilization of court time optimally. The inspection team, however, found that the apparent high unemployment rate placed an increasing demand on the available legal aid representatives, one (1) per court, since most complainants could not afford private attorneys. Further probing by the inspection team found that resource constraints limited the optimal utilisation of the prescribed hours since it often happened that cases were postponed. For instance, the limited number of legal aid representatives resulted in postponement of cases when they were absent from work or attending other cases. The challenge of acquiring foreign interpreters was also found to contribute to the less optimal utilization of court hours in that cases would be postponed to allow for the procurement of such services especially in cases involving foreign nationals.

4.1.2.5 Limited Budget or Financial Resources

The inspection team found that the available budget is managed and controlled by the Regional Offices and the Court Managers, and as such Regional Courts do not have dedicated budgets. Even so, the available budget is shared equally between the Regional Offices and the Regional Courts and is therefore not informed by the resources needs, which led to further poor resourcing of Regional Courts.

The Court Managers at the Ga-Rankuwa and Taung Regional Courts further raised the concern that the management of trips undertaken by the Regional Magistrates was problematic since the magistrates were not falling under their control or supervision. As such, claims of official trips submitted for payment could not be verified and trends mapped with a view to ascertain and control such claims, and most importantly, to inform budget

planning. This trend may further impact negatively on proper planning on resource allocation and perpetuate the apparent backlog situation if not addressed appropriately.

4.1.3 *The Criminal Justice System Backlog Interventions*

Improved performance requires the regular review of current processes and systems and the identification and development of measures to ensure that the set goals are always achieved. The inspection team found the following:

4.1.3.1 Management of Case Flow at the Regional Courts

The inspection team established that the DoJ&CD has a Case Flow Management (CFM) plan or System in place. Accordingly, the DoJ&CD, in consultation with other key stakeholders, put mechanisms in place to reduce the backlog cases governed by a protocol document introduced in August 2010. The protocol document serve as a procedural framework in the handling of cases by the Regional Courts. The protocol document also deals with stakeholder relations and endeavours to broker common understanding between the key stakeholders, i.e. Magistrates, Prosecutors, Legal Aid and Private Lawyers, and aims to dissuade frequent and unnecessary postponements. It further emphasizes the effective management of cases and thereby curbing any increase in backlogs. The implementation of the CFM system/plan involves holding of regular meetings at least once a month. The prosecutors coordinate and monitor the implementation of the CFM. However, it was found that the implementation of the CFM system/plan was not effective due to lack of cooperation amongst the key stakeholders. For instance, it was indicated that since the protocol document was not binding on the stakeholders some of the magistrates and private lawyers would ignore it and as such, it was often not implemented fully which hampered progress in addressing identified key challenges.

The other mechanism involves a pre-trial meeting between the magistrates and prosecutors where critical issues pertaining to cases would be identified ahead of court sessions to address any bottlenecks, such as the availability of witnesses, legal representatives and interpreters. According to the DoJ&CD and NPA, the pre-trial meetings have yielded positive results in that cases were finalized in a short time and therefore, leading to the speedy dispensing of justice. Furthermore, it was indicated that the NPA conducts screening of cases to ensure that they are trial ready before being placed on the Regional Court roll, i.e. availability of DNA results where applicable. The inspection team also noted that the Legal Aid representatives and private lawyers were strongly encouraged to conduct their consultations with clients on the Fridays ahead of the scheduled cases to enable the

sessions on court days to start at the prescribed 09:00 and to avoid postponement due to the need for consultations.

While the above efforts were flattering in dealing with cases, it remains a cause for concern that the required statistics could not be provided to enable the inspection team to map progress on how the backlog cases are being handled. Based on the finding of a lack of an efficient data monitoring system at both courts, it raises questions whether the above efforts were even effective in reducing the backlog cases. Even more disconcerting was the fact that the 32.58% backlog cases at the Taung Regional Court far exceeded the NPA's national target of 25% for an acceptable backlog rate.

4.1.4 Stakeholder Relations at the Regional Courts

A fundamental feature of an integrated approach in ensuring effective and efficient processes is the recognition of the important role of key stakeholders. The following highlight some of the issues pertaining to stakeholder relations:

4.1.4.1 Delayed Forensic Reports

Concerns raised by both the SAPS and the NPA were delays in obtaining deoxyribonucleic acid (DNA) results occasioned by the fact that the SAPS was required to utilise the services of Sterkfontein and Wiskopies Hospitals which are in Pretoria, in the Gauteng Province. The resulting delays in obtaining the results often led to the postponement of cases and lengthy time in finalising them, which further contributed to the backlog of cases. One of the key findings of the PSC's inspections of detective services was that there was backlog of forensic reports at the Forensic Science Laboratory of the Department of Health, whereas the Forensic Science Laboratory of the Department of Police was found to be efficient on this matter⁴. On the other hand, it was found that dockets would be ready for court within 48 hours and submitted to the NPA timeously, however there would be delays by the NPA to set trial dates.

4.1.4.2 Lack of Flexibility by the NPA and Regional Courts

Concerns were also raised by the DCS that the lack of flexibility by the NPA and Regional Courts in refusing to grant bail resulted in overcrowding in prisons, especially for awaiting prisoners, which posed a health and security risks in the facilities.

⁴ Republic of South Africa. Public Service Commission. Consolidated Report on Inspections of Detective Services: Department of Police. 2010.

4.1.4.3 Unprofessional conduct of some of the private attorneys

The stakeholders engaged during the inspections raised a concern relating to the unprofessional conduct of some of the private attorneys. For instance, it was indicated that some of these attorneys would be absent from court proceedings without prior notice due to being involved in other cases elsewhere as a result of double-booking which often led to unnecessary postponement of cases.

4.1.4.4 Lack of Clarity regarding judicial independence

It emerged during engagement with the stakeholders that the Magistrates and the DoJ&CD held different views regarding the administration of courts. While the DoJ&CD expected the Magistrates in their administration of court matters to report and account to the DoJ&CD, the Magistrates viewed such a relationship to be an encroachment into judicial independence by the DoJ&CD.

Notwithstanding the forgoing challenges, the inspection team was informed that the engagements amongst all the stakeholders remained collegial and good, and there was commitment to deepen their relations in the interest of service delivery.

4.2 UNANNOUNCED INSPECTIONS

Unannounced inspections were conducted at the Ga-Rankuwa and Taung Regional Courts. The main aim of the unannounced inspections was to determine the compliance levels of the service delivery sites (courts) with the implementation of the *Batho Pele* framework. The inspections were guided by the PSC-developed checklist which contained issues relating to the *Batho Pele* principles such as observing facilities, access to information, observing staff and general observations.

4.2.1 Observing Facilities

According to the *Batho Pele* principle of Access, citizens should have equal access to the services to which they are entitled to. One measure of ensuring access is to adapt and improve the physical conditions of service delivery sites for easier accessibility. During the unannounced inspection, the inspection team found that the building housing the Taung Regional Court was old and did not have lifts and/or ramps to enable easy access by people with disabilities. The building was, however, clean and properly maintained with clean toilet facilities. The toilet facilities are situated on first floor and can only be accessed through stairs which limits access by people with disabilities since there are no lifts and as such, not

in keeping with the *Batho Pele* principle of Access. The building also houses the National Department of Agriculture and Rural Development and given the fact that it is old, the inspection team noted that it cannot be altered for the installation of lifts or make additional office space for the DoJ&CD. The building housing the Ga-Rankuwa Regional Court was found to be dilapidated and seemed to leak during the rainy season. The large part of the building is occupied by the National Department of Home Affairs and given its state there were prospects of alteration to allow for the much needed additional office space for the DoJ&CD.

The outside signage is obstructed by big trees and inside signage was poor since the inspection team struggled to locate the boardroom and toilet facilities. It was the finding of the inspection team that most clients found their way to the service points on their own. The business hours of the courts were also not displayed.

4.2.2 *Observing Access to Information*

The *Batho Pele* principles of Access and Information require information to be readily available to customers to empower them and address their needs. The inspection team observed that there were no designated reception areas at both Magistrates Courts where members of the public could make enquiries. The inspection team observed that service standards were displayed although only in English. Both the inspected sites did not have complaints or suggestions boxes or an alternative mechanism for lodging complaints or suggestions as well as the procedure to utilise such a mechanism.

4.2.3 *Observing Staff*

As stated in the *Batho Pele* principles, Openness and Transparency are the hallmarks of a democratic government and are fundamental to the public service transformation process. As such, in terms of public service delivery, their importance lies in the need to build confidence and trust between the public sector and the public they serve. Wearing of name badges enables citizens to easily identify those who are supposed to serve them and increases access as well as empowering them in measuring the quality of the services provided. None of the staff observed had their name tags on. However, those that were interviewed indicated that they were issued with name tags, but they could not provide an explanation for not wearing them. Nevertheless, the staff members appeared friendly and professional, and were willing to assist clients.

4.2.4 Talking to Citizens

The *Batho Pele* principle of Consultation states that users of public services are to be consulted about their needs and priorities. The citizens interviewed were from the same area as the sites visited and did not travel from far to access the service points. The citizens further indicated that they did not wait too long to receive services.

The *Batho Pele* principles of Courtesy and Redress require that more accessible and responsive arrangements be developed in order to empower individual members of the public to get recourse if standards are not met. Furthermore, public servants are expected to treat all citizens with courtesy, respect and dignity. The inspection team noted that the citizens interviewed were satisfied with the quality of the service they received and that they were treated with dignity and respect.

4.2.5 General Observation

Low morale and substandard performance may often be a function of poor working conditions. It is therefore important that these conditions are closely monitored and addressed when they deteriorate to ensure that employees perform at their peak. The inspection team observed that the parking space was not sufficient in that both the staff and their clients were expected to park their cars in the street. The buildings were found to be old and dilapidated and could not be adapted to accommodate ramps and lifts and as such, were not user friendly for people with disabilities, senior citizens and people with physical challenges or illness. The limited office space the two Regional courts experienced could also not be addressed as a result of the state of the buildings.

5. RECOMMENDATIONS

5.1 ANNOUNCED INSPECTIONS

It is recommended that:

- **Forensic Services:** The DoJ&CD should liaise with the Department of Health for the use of forensic services at the nearby Witrand Hospital in Potchefstroom, by April 2012.
- **Demarcation Challenges:** The DoJ&CD as the key custodian of judicial matters should expedite the demarcation process into the transfer of the Ga-Rankuwa Magistrates Court to the Gauteng Province to enable improved service delivery. In this regard, a plan of action should be put in place by April 2012.

- **Stakeholder Coordination:** The DoJ&CD as a center of coordination should assist its stakeholders in ensuring cooperation and collaboration amongst the Magistrates, NPA, SAPS and the LASA to ensure regular participation as envisaged by the CFM. Stakeholder commitment and cooperation will go a long way in tackling issues of backlog cases. In this regard, a plan of action should be put in place by April 2012.
- **Office Space:** The DoJ&CD should urgently address the lack of office space and structural defects at both the Ga-Rankuwa and Taung Magistrates Courts. Provision of separate court building for Regional Courts with installation of adequate security measures should be given consideration given the seriousness of cases handled at these courts. In this regard, a plan of action should be put in place by April 2012.

5.2 UNANNOUNCED INSPECTIONS

It is recommended that:

- **Reception areas:** Clear designated and manned reception areas should be provided at both the Ga-Rankuwa and Taung Magistrates Courts. In this regard, a plan of action should be put in place by April 2012.
- **Signage:** Inside signage should be provided in languages predominantly spoken in the areas serviced by both Ga-Rankuwa and Taung Magistrates Court to improve access to the previously disadvantaged communities of such areas. The local municipality must be engaged to give attention to the big trees obstructing the outside signage. In this regard, a plan of action should be put in place April 2012.
- **Business hours:** Business hours should be displayed at both the Ga-Rankuwa and Taung Magistrates Courts to improve access to court operations. In this regard, a plan of action should be put in place by April 2012.
- **Service charters:** Service charters indicating courts services and standards should be displayed to improve access and measuring of quality of services by the customers, and these should, as far as possible, be provided in languages predominantly spoken in the areas serviced by the courts concerned. In this regard, a plan of action should be put in place by April 2012.
- **Complaint/suggestion boxes:** Clear complaints and suggestions procedures should be provided and placed where the public could easily access and be encouraged to utilize them. In this regard, a plan of action should be put in place by April 2012.

- **Name tags:** Wearing of name badges should be a norm for all front and back office staff serving the public and should therefore be enforced immediately at both the courts visited.

6. CONCLUSION

The inspections have become one of the PSC's methodologies of reinforcing accountability across the Public Service because they are a fact finding exercise meant to observe and obtain first-hand information on service delivery. The above findings reflect the discussions between the inspection team and the DoJ&CD, NPA and the RCPF. In general, the findings show that the lack of cooperation amongst stakeholders has impacted negatively on the efficiency of the courts. Furthermore, the perennial human and infrastructural constraints facing the courts have contributed to the backlog of cases, while the unavailability of an efficient case registration system to monitor cases has prevented the effective mapping of progress on backlog cases.

7. ACKNOWLEDGEMENTS

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