



Independent Projects Trust

## **KZN Criminal Justice Strengthening Project: January - December 2004**

### **Background to the IPT**

The Independent Projects Trust (IPT), founded in 1990, is a leading non-government organisation in KwaZulu-Natal engaged in “change management” and organisational development processes. Much of this effort has been focussed on the South African public service sector. Through research, facilitation and training we seek to assist organisations to deal with the challenges arising from South Africa’s political transformation and the impact on institutional culture.

IPT was established in 1990 in response to the internecine political conflict between supporters of the African National Congress and the Inkatha Freedom Party that gripped the province in the late 1980s and early 1990s. We set up a number of conflict-resolution projects, targeting the youth and women’s formations of the antagonists. We also worked among traditional leaders in the north of the province to promote peace and democratic processes. We established and worked from four satellite offices in areas most affected by political violence.

After 1996, levels of overt political violence in the province declined and we shifted the focus of our work to schools. We have run a number of peer mediation projects among scholars, promoted good governance and democratic processes in schools and are currently engaged in a “safe schools” programme, to combat criminal and gender-related violence in schools in the Durban region. This work has been supported by a number of crime prevention projects, which have included an audit of crime prevention initiatives in the province and the ongoing facilitation of a local crime prevention forum.

More recently the focus of our work has been change management. A 1998/1999 policing project provided facilitation for an exchange between the SAPS and the Royal Ulster Constabulary (RUC) in order to share learning around large-scale organisational transformation. In 1999 another police project focussed on supporting change within the SAPS to enable police members to provide victim-centred service.

Since 2000 we have continued to expend a substantial amount of our effort working within the criminal justice sector, both with national, provincial and local government departments. This work has included interventions around social crime prevention, improved service delivery within both the SAPS and Prosecuting Authorities as well as working with the Department of Justice and Constitutional Development and the Durban Metro Safer City programmes.

## **Background to the Criminal Justice Strengthening Project**

The Criminal Justice Strengthening Project emerged as a result of the various interventions run with both the SAPS and Prosecuting Authority since 1998. Two policing projects run in 1998/9 served as a catalyst for a 2001/2 pilot project run in partnership with the KwaZulu-Natal Prosecuting Authority aimed at improving service via increased management capacity within the High Court offices. It had been envisaged that this project might contribute to the creation of a broader enabling environment for victims of crime thereby ensuring an increased access to justice, law and information.

However in the evaluation of this project it became apparent that the creation of an enabling environment for victims was dependent on the cooperation and coordination of the various criminal justice stakeholders and that one department, alone, had little chance of success.

This concept was supported by the findings of a feasibility study we conducted in 2002 for the entire Criminal Justice Sector (Attached as Addendum A). Overall the study supported the proposition that a large-scale provincial intervention had a significant likelihood of contributing to improved coordination and service delivery and would have a sufficient level of support to warrant the effort.

The feasibility study allowed us to identify a number of issues, which all roleplayers felt were seriously hindering the delivery of justice. These were:

### **1. Poor Management of the System**

The most striking theme that emerged from all of our discussions was that poor management was crippling the system. This is supported even within internal Department of Justice documentation, which highlights "the lack of appropriate skills in the management of courts and the limited supervision and management of service delivery points"<sup>1</sup> as being one of their key challenges. This fundamental issue was raised by all respondents in the study.

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<sup>1</sup> "National Establishment and Provincial Structure KZN" PowerPoint Presentation, Department of Justice and Constitutional Development September 2002

## **2. Limited Management Capacity**

The majority of the individuals in key provincial managerial positions have had neither the skills nor the capacity to perform to an acceptable standard. Fast track appointments lack experience and skills, whilst "old guard" managers, shaped by the previous system, are set in their ways and have entrenched practices, which are no longer relevant or acceptable. Furthermore, there is no culture of organisational learning and so expertise is neither transferred nor shared. This was made particularly problematic by the restructuring of the public service and the general retrenchment packages made available to people with long service who were mostly part of the "old guard" and took their experience and organisational learning with them when they left.

Of those interviewed 100% of the respondents recommended that management development be a priority for any initiative. This lack of capacity among managers also has the greatest impact on public perceptions of the justice system.

## **3. Communication**

Poor internal communication has resulted in a situation where managers lack the information necessary to perform their tasks. Informal communication channels are often racially based and exclusionary. At the end of this feasibility study the lack of shared information became apparent even among heads of departments and senior officials who were interviewed. All of those interviewed at provincial level felt that the re-establishment of the Provincial Integrated Justice Forum (PIJF) meetings could contribute to improved communication.

## **4. Poor Interpersonal Relationships**

Transformation of the system has led to a breakdown in relationships with Department of Justice identifying "dysfunctional working relationships" as a challenge to the transformation process. Previously relationships were the glue, which held the system together, and this "glue" was often racially based. With the appointment of a more diverse team conflicts were often around issues of race and gender causing even deeper divisions. Poor human resource systems and subjective evaluation processes have contributed to these conflicts around race. There is an urgent need for new "glue". Effective and equitable systems and consistently implemented processes are desperately needed.

The lack of cohesion within the sector means that rather than working together to address problems each group blames the other and claims to be the victim. This culture of blame is detrimental to the system and there is a need to foster the skills of collaborative problem solving. Also, many respondents noted there was a need to create an understanding of what

an integrated justice system entailed, and to clearly define how each discipline contributes to the whole. At present everyone sees themselves in isolation and as powerless victims of the system.

## **5. Lack of human resource capacity**

Over the past six years there has been a considerable brain drain in this sector with many of the most skilled and experienced taking their packages. The police and prosecution service have been severely affected by this skills deficit. The career path limitations within the prosecuting authority means that many skilled prosecutors are lost to the magistracy since salaries are so much better. The lack of skills and experience among prosecutors and detectives was constantly raised as a contributing factor to low conviction rates and the high awaiting trial prison populations.

## **6. Physical environment**

It was often noted that the physical environment of most courts contributes to the dissatisfaction of both users and staff. Rural courts especially were cited as being severely under resourced in terms of their physical environment.

The limited space at most courts means that victims of crime are often traumatised a second time by having to sit with the perpetrator while they wait for their case to be called. All respondents shared the view that the system often fails to deal sensitively with the victim and that better waiting facilities are long overdue.

As a result of this 2002 feasibility study, funding was sought for a 5 year large scale intervention, namely the Criminal Justice Strengthening Project. We were able to secure funding from Atlantic Philanthropies for an initial two years (2003/4) with a further 3 years funding agreed to on a provisional basis.

### **Criminal Justice Strengthening Project Objectives**

The objectives for this project were defined by the contributors to the study and were ambitious considering the environment and climate in which the project was initiated. The primary objective was

- **an improved capacity amongst managers to manage performance within the Criminal Justice Sector (CJS), which would be measured through improved customer satisfaction and through the achievement of each department's internal targets.**

In the medium term the objective was to improve the level of service being delivered to members of the public in the court environment. Key indicators

of this would be that case turnover and completion rates should improve over the two years of the project; court hours would show an increase and case management will improve with greater integration and communication between the relevant role players.

A longer-term objective was that courts within KwaZulu-Natal become functional centres ensuring access to justice. While no respondents considered that a reduction in actual crime could be considered a measurable outcome of such an initiative, an effective and efficient justice system was seen as one key component to reducing crime.

A change in the public's perception of the criminal justice sector was seen as being the most important long-term impact of such an intervention, since any negative experience of justice impacts seriously on people's sense of satisfaction

Essentially improved access to justice was seen as being one of the key impacts of this project. Recent studies, including the World Bank's "Voices of the Poor"<sup>2</sup> have emphasised that poverty is not just an economic issue but rather the poor suffer from multiple forms of vulnerability, which includes increased exposure to lawlessness and violence. These studies have highlighted the fact that, for the poor, access to justice may be as important as access to health care and education. One of the largest barriers to accessible justice is the poor delivery of justice services, which hinder innovative projects and depletes resources that could be used to greater effect. Improving the management of these services is a vital first step in creating an environment in which justice and human rights can be made accessible to all the citizens of South Africa.

### **Project Activities**

A number of activities were identified as being key to contributing to the achievement of the projects objectives and we were able to complete the majority of the activities envisioned. We were also able to participate in a number of additional activities and initiatives which arose during the course of the project. Details of these initiatives are described below and for the sake of clarity we have segmented them according to the recipient groups i.e. KZNPA, Magistrates and Department of Justice. (An overview of which is attached as Addendum B)

### **KwaZulu Natal Prosecuting Authority: Activities 2004**

The focus of the early part of 2004 was on preparing the 2004 strategic plan and developing a set of measures. This was our third consecutive year of

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<sup>2</sup> "Voices of the Poor from many lands" Narayan, Deepa, Petesch, Patti (Editors) World Bank ISBN 08 213 50498

facilitating the KZNPA strategic plan and looking back over the previous sessions it is clear that there has been considerable growth in terms of the capacity of management to participate in such processes. The concept of strategy and more importantly its implementation has been firmly inculcated within the group. The standard of contribution in the 2004 session was of a much higher calibre than before. The KZN Prosecuting Service Strategic Plan for 2004/5 is attached as Addendum C.

It was suggested by the management team that a strategic management capacity must be created within their own ranks and so a Deputy Director, Wycliff Simelane was tasked to set up a team and drive this initiative. This team would then take over the role of facilitating the Promanco meetings from us, including assessing progress against the measures embedded in the strategic plans. (A breakdown of both the KZNPA and Promanco structure is attached as Addendum D)

Our interventions in the past have focussed predominantly on Deputy Director and Chief Prosecutor levels and this year we were requested to provide support to the next managerial level, the Senior Public Prosecutor (SPP). This is a key intermediary role which interfaces with the rank and file of the organisation and which has faced increasing pressure over the last couple of years as they have been expected to take on more and more responsibility while maintaining much of their existing functionary tasks.

As a result of the increasing workload for SPP's and the high level of stress often associated with prosecuting child abuse cases, sex rings and paedophiles a stress management workshop was provided.

Concurrent with this, was a concerted push to ensure that performance management became a key competency within the organisation. While performance management was supported in principle by directives from the National office, implementation was hampered by a complete lack of capacity from within the national NPA Corporate Services unit.

In the light of this it was agreed that a much more comprehensive intervention might have a greater impact and we then partnered with Milpark Business School to run an eight day Management Development Programme with the entire management component within the KZNPA. The workshop was designed for all managers who have a direct or supporting role in developing and implementing their unit's strategy, including the performance management system.

This programme, "**Implementing a strategically aligned performance appraisal process through the value chain**" was designed to provide sufficient background information and practical skills to "put everyone on the same page". An evaluation of this programme is attached as Addendum E.

2004 also saw the continuation of HR support to the KZNPA and this has had mixed results which will require us to rethink our approach in 2005. One of key activities has been the continuation of MMI (Measuring & Monitoring Incapacity) to analyse the costing of sick leave within the NPA using a unique software program designed to create reports that assist employers in analysing specific information relating to employee incapacity/non-attendance at work.

Overall the initial high level of absenteeism has been reduced as a result of monitoring the amount of sick leave taken. An analysis taken January – August 2004 reflected that the absenteeism statistics had increased mainly in the DDPP's Office, Empangeni and Port Shepstone clusters. This was due to 3 cases where the employee had been absent through illness for up to a year and no action had been taken by management to manage the situation. This has since been rectified and the cases have been adequately dealt with.

There continues to be general reluctance on the part of management to use these newly acquired skills to effectively deal with cases of excessive sick leave, particularly where they know that the staff member has had an accident or are HIV positive. Whilst certain Chief Prosecutors and SPP's, mainly in the Pinetown and Durban Clusters, consistently refer cases for advice the overall goals and objectives within KZN have not been successfully achieved. It is important that all managers respond in a consistent and equitable way to absenteeism and this continues to be a challenge both to the KZNPA Director and ourselves as we support the managers in the application of new skills and processes. The slow, often erroneous, and inadequate support provided by Corporate Services further contributes to this problem.

We will be meeting with Adv Batohi in early 2005 to strategize a response to this issue since it is key to both implementing a performance management culture and to improving the organisations ability to deliver an improved service.

During the year Adv Vuyani Genu, who was tasked with all HR matters, has consulted frequently around day-to-day labour and other issues, particularly during the last quarter of 2004. The increase in consultation towards the end of the year was due to Vuyani's frustration with Corporate Services who had advised him to refer all cases to them and when they then failed to either support or assist him, he requested that we assist him with the cases.

In our organisational assessment of 2001 the issue of Employment Equity was an issue within the Higher and Lower courts and as a result we facilitated the establishment of an employment equity committee at Durban Magistrates Court. This committee was never very successful, due partly we felt to its limited mandate since it was only representative of a single court. 2004 saw the continued support of employment equity since the KZNPA is required by

law to submit an Employment Equity Report (EER) to the Department of Labour.

Eight meetings were held during 2004 (with three further meetings cancelled) and an EER was submitted, albeit after the deadline date. Despite the importance of employment equity to a number of organisational issues, this is an area, which is widely misunderstood, and there is great reluctance within the organization to engage in debate around the issues. The committee has discussed recruitment but there are reservations as to how effective the communication has been to the recruitment committee regarding the principles of Employment Equity and what is required of them during recruitment. It is becoming clear that many individuals on the recruitment committee are under the impression that you must hire a person based solely on their skin colour and not their qualifications and the other criteria as set out in the Act.

This practice has the potential of compromising the standards of the organisation as well as creating frustration amongst existing staff where race alone precludes them from promotions. In addition the committee has been unable to communicate the principles of Employment Equity throughout the organisation. Although various practices have been discussed in great detail at the meetings, little has been done in order to try and rectify these problem areas.

Because this is an area that is key to improved organisational capacity we will continue to support the EE committee and increase our advocacy role in the future.

### ***Sexual Offences Courts - Project Oversight Committee Activities***

Within the NPA each Provincial DPP is tasked with setting up a Provincial Project Oversight Committee (POC), to address the rollout of specialized sexual offence courts in the province. This is a multi-disciplinary committee, which has as its key focus, the successful prosecution of sexual offences against children and in support of this, seeks to provide information and training to the various sectoral role players. In KZN it is headed by Adv Rita Blumrick, a Deputy Director of Public Prosecutions in the NPA. The role-players involved in the POC include:

*SAPS; Dept of Health; Dept of Welfare; Childline; Dept of Education; Victim Empowerment; Social Workers; CRISP; Legal Aid Board; university students; Correctional Services; Lifeline/Rape Crisis; Public Works; Justice College*

The NPA is trying to ensure that courts become "blueprint" compliant and thus meet the standards set for sexual offence courts. In order to achieve this, a multi-disciplinary approach is essential and this means



that all roleplayers must develop a coherent approach in order to support each other, the victim and the victim's family through the criminal justice process.

The KZN POC identified multi-disciplinary training as the most important single action that was required and we were able to support this by facilitating the arrangement of a regular series of workshops, which were extremely relevant with regards to South Africa's climate of violence against women and children. The issues were also in line with the President's national strategy on sexual offences, which make dealing with child abuse a national and departmental priority.

The Multi-Sectoral Training Programme for 2004 included training in:

- How the victim goes through the system, the multi-disciplinary approach; Understanding medical qualifications;
- Medical exams of adolescents and adults;
- DNA;
- How to manage survivors and to support them through the process;
- Trial Advocacy;
- The developmental stages of a child and talking to children;
- Sexualization of the abused child;
- Trauma to role players;
- Myths and Stereotypes;
- Restorative Justice;

A complete breakdown of the Training Programme is attached as Addendum F.

Aiding the POC by supporting these multi-agency seminars seemed to be most beneficial in bringing these various and vast departments together and in providing them with practical skills needed when collecting evidence, cross-examining and providing information which in turn could be used by the role-players to educate their communities and advise victims of what can be done.

The workshops were well presented and very well attended, sometimes too well attended, with the caterers having to be notified at very short notice of the increase in numbers. All of those who attended gave positive feedback about the workshops and found them to be worthwhile and enlightening as demonstrated by the following anecdotal evidence from the delegates who were asked to complete evaluation forms:

1. Attorney, Legal Aid: *"...I found this to be invaluable, and it has most certainly impacted positively on me as a practitioner."*

2. Police official: *"It was fantastic to attend this workshop. It helps the investigating officers."*
3. Social worker: *"The presentation was very useful to me! It also helped me to see the light of how it really works in court. Lets all work together to help our children to survive the trauma they are facing."*
4. Attorney: *"Excellent training, which is very crucial and beneficial to both attorneys and prosecutors..."*
5. Doctor: *"Empowered to go on as above. Continue the multidisciplinary workshop."*
6. NGO: *"User friendly information. Well structured talk enabling better structured responses when handling cases."*
7. Educator Specialist: *"Clive Willows is an excellent speaker, very good and practical examples, & not fazed by comments from the audience."*

We support the belief of the POC that the greater the understanding of all the role-players, the more successful the multi-sectoral approach. This will ultimately result in more successful prosecutions and greater faith in the Criminal Justice System, which is in line with our main objectives for this Atlantic funded CJS project.

### ***Mentorship – Pilot Project***

Mentorship was identified as a possible mechanism to provide a reasonably cost effective and sustainable method for improving the skills level within the prosecuting service. A very small pilot project had been run in the Pietermaritzburg High Court and it was agreed there was a need to test the process in the lower courts where a skills shortage has a considerable impact on service delivery. Two pilot sites were chosen, Ladysmith and Pietermaritzburg, where a group of mentors and mentees were selected and mentorship training was facilitated by Anthony (Doc) Pascoe and David Maepa on the 22<sup>nd</sup> and 23<sup>rd</sup> of April 2004.

Since the workshop we have monitored the implementation process and have received mixed feedback from both mentors and mentees. Many of the participants have felt that there were a number of environmental hindrances, which could not be remedied, such as the already heavy workload which prevents constant meaningful conversation between the mentor and mentee. Some delegates also felt that there was a lack of buy-in to the mentorship concept.

Despite these concerns we have also found that the mentorship programme has brought about dramatic changes in the way people within the organisation operate and think.

Participation in the project resulted in a number of benefits for both mentors and mentees. Examples of the positive feedback we have received from some of the delegates include:

- § *It has also been a boost to my 'ego' and self-esteem that I was considered to be a mentor to someone.*
- § *I have learnt that I have to work together with my colleagues in executing duties e.g. I used to work strictly for Court A roll only but now I have learnt to assist Court B roll.*
- § *My previous employer did not offer this kind of a programme. This made me think that there are a lot of new things to expect in this organization.*
- § *For example in the past I would dish out dockets to the prosecutors and expect them to deal with them. Now we meet in the morning – discuss dockets – everybody has an input.*

The negative feedback on the project seems to indicate that a hindrance to mentorship is the lack of trust some mentees have in the system, believing that it is a punitive process rather than one designed to assist them.

- § *I wish to further state that it appears that the mentee was disinterested in the programme as she continues to perceive the programme as it being a method of (in the mentee's words) "dealing with deadwood." In the absence of a positive interest on the part of the mentee, it will be difficult to take this project forward.*
- § *I wish to advise that the mentor/mentee programme has so far been unsuccessful. Since the training, I approached my mentee on several occasions with the view of setting up meetings to discuss the way forward in respect of starting the programme. She always indicated that she was busy. We eventually did arrange a meeting where I gave her a copy of the proposed contract. She indicated that she would revert to me. She has not done so, and attempts to discuss it with her have always been unsuccessful.*

During 2004 the evaluation of the mentorship project has mainly been of a subjective nature with feedback from those participating in the process. In 2005 we intend to evaluate the impact on the organisation in terms of improved performance and to this end we will introduce an electronic monitoring system, DYNEM, which in conjunction with the new Performance Management System the NPA have implemented, should provide evidence of any performance shifts. It is expected that both the mentor and protégé should be performing at a higher level and so this information could add value to the project.

An example of a DYNEM performance sheet is included as Addendum G.

### ***Asset Forfeiture Unit***

The Asset Forfeiture Unit was identified as a pivotal unit in our attempts to promote a more integrated approach to service delivery in KZN. It is widely accepted by both the NPA and the SAPS that asset forfeiture is an important part of any strategy to deal more effectively with crime, especially organised crime. In fact both departments have identified "effective utilisation of asset forfeiture" as part of their operational strategies.

In order to facilitate the achievement of these objectives through improved co-operation amongst the roleplayers we hosted a workshop to identify and develop joint resolutions, targets and measures.

This resulted in an increase in AFU cases being referred from both the police and prosecutors and led to a series of workshops being held with AFU offices across the country. This additional work was paid for by the AFU and we have since been assisting them with strategy and growth initiatives.

### ***NPA Transformation Programme (Serurubele)***

Throughout 2004 the NPA has continued to drive its internal change management programme, Serurubele. Early 2004 saw the appointment of an external change management consultant who was tasked with driving a comprehensive turnaround process over the next two years (2004 -2006). We have seen a number of the IPT/KZNPA projects successful initiatives being integrated into the broader organisational change processes. Examples of this include:

- Following the KZN Strategy Roadshows the National office held Roadshows in all the other provinces
- Monthly report forms developed for KZN management were adopted by National NPA as an internal process
- A Service Charter developed in KZN was adopted as the National Prosecuting Service's Service Charter (Addendum H)
- Internal signage indicating where to find key personnel in courts was selected as a "quick win" in the National strategy
- A customer satisfaction questionnaire was developed and is being used Nationally

Through ongoing consultation with the Serurubele team we have been able to further utilise the transformation process to share many of the other lessons learnt in the course of our intervention.

We have remained engaged in this national process by both providing "paid" services to the NPA and by continually ensuring the provincial project has reflected the larger process. This has been both a burden and a blessing. A burden in that the existing uncertainty has been further overloaded by the promise of even more large-scale change, the outcome of which has never been clearly articulated. The resignation of Adv Ncguka as National Director during this time, as well as the slow appointment of a permanent replacement, has further eroded confidence within the organisation. This has meant that there is ample excuse amongst many managers to adopt a wait and see attitude.

However the very visible commitment to a transformed organisation, whatever that may be, from the National office has meant that many managers within KwaZulu-Natal have embraced our intervention as a way of equipping themselves for the inevitable changes to come. This has given our work greater relevance in the eyes of both the individuals involved as well as from the broader organisation.

At the end of 2004 the Serurubele Project was in the process of completing an "understand" phase and a full report detailing the current environment both within the NPA and within the broader Criminal Justice environment will be available in early 2005. This will form the basis upon which the NPA transformation will be planned and we will ensure that this information is utilised in our planning for 2005/6.

#### **Department of Justice; Court Services: Activities 2004**

The Court Services Unit provides the administrative support within the courts and as such is a key player in ensuring access to justice. With the separation of the Magistrates and Prosecution Authority into independent units, the Department of Justice (DOJ) has been through an internal process of re-organization, which has seen the creation of court managers and the professionalisation of court services. Like so many departments, the DOJ is currently in a semi permanent change mode which puts additional stress on managers who are often uncertain of what accepted protocols are. The Durban Magistrates Court Administration was incorporated into the project in late October 2003 when we facilitated a Strategic Planning Workshop for 2004.

At the workshop eight initiatives were identified, namely:

1. *Use resources better.*
2. *Ensure the transformation of people and the organization.*
3. *Initiate a Training Program.*
4. *Promoting Internal Relations.*
5. *Improve communication.*
6. *Improve moral and behaviour towards staff.*
7. *Create a better physical environment.*
8. *Address the backlog at the Clerk of the Criminal Court Section.*

The activities undertaken by us throughout 2004 were in support of these objectives, which are described in a strategy brochure which was developed with our assistance, attached as Addendum I. On the 1<sup>st</sup> July 2004 the National DOJ office gave their visible support to the strategy with an official launch hosted at the Durban Magistrates Court with guest speakers from the National Court Services Unit.

The strategy development process was followed by a one-day workshop facilitated by Strategy and Tactics on monitoring and evaluation tools for their strategy. This was followed by two workshops on Chairing Disciplinary Enquiries and Managing Employee Incapacity (MEI). These workshops were followed by ongoing support and mentoring from HR consultants, as per the mechanisms which had been piloted with the KZNPA in the previous year. Feedback from management indicates that they have really gained knowledge and experience from these sessions. Once again MEI training was held in conjunction with a number of 2 hour absenteeism information sessions for all staff, during which current absenteeism statistics and costs were presented. 2004 also saw the initiation of the MMI (Measuring & Monitoring Incapacity) process within DOJ – Durban Admin. This monthly report provides an analysis of sick leave within the unit to assist managers in dealing with employee incapacity/non-attendance. It is our intention to roll this service out to the other courts in the province in 2005 as we have done with the KZNPA.

At the request of the DOJ, a two-day Conflict Management Workshop was facilitated by Edge Training (report attached as Addendum J). A few weeks after the workshop people commented that they have really put their skills to use in the office as well as their personal lives.

As a result of the strategic planning process in which training was identified as a key issue in improving service, a Training Committee has been established. This is in part a response to the loss of the training officer who was relocated and not replaced in early 2004. While training now falls under the Human Resource Officer, she finds it very difficult to coordinate everything with her work load and the committee now fills a vital gap. A training room has been allocated and although it is in need of resources and needs to be painted, it will be available for on-site training. The training committee distributed training questionnaires, which were assessed and have

allowed for the prioritization of training needs. Over 2005/6 it is envisioned that some of the training will be provided by us and the balance by the Justice College.

With the establishment of a Training Committee, Court Interpreter's were identified as a key target group for specialized training. This was an extremely positive result since the interpreters had been an "invisible" group in the Feasibility Study and yet they play a vitally important role in the prosecution process. A lack of knowledge of specialized evidential processes and terminology, such as Ballistics, Fingerprints and DNA Analysis, was identified as a serious hindrance to effective translation services. On the 21 August 2004, the first Interpreter's Workshop on Ballistics and Questioned Documents was held at Durban Magistrate's Court, followed by a second workshop on the 28 August 2004 on Fingerprints and Ballistics. A final workshop was held on the 6 November on DNA Analysis and Body Fluids.

Workshops were held on a Saturday when the court was closed and despite the fact that interpreters do not work on a Saturday, they were very committed to attending the workshops. It must be noted that this has been one of the first groups who have agreed to attend training on their days off and can only indicate both the commitment and need within this division.

Further workshops have been requested for 2005, which include the areas of Wildlife and Marine evidence, Voice Analysis and Injuries.

The Social Committee, which was set up after the strategy workshop in October 2003, has been very successful in bringing staff together and building a greater sense of camaraderie. The Interpreters used to have their own social club in the past but this has been amalgamated with the Social Committee. This very active committee has not only had two large functions with catering and guest speakers - on Women's Day and Cultural Day - but every second month they have a "bring and share" function where new staff are introduced and welcomed to the organization. Comments have been very positive and they feel that this is where people of the organization really get to mix and know one another better.

In order to improve communication a newsletter was developed and distributed. The first few issues were produced with the support of IPT but with the election of five members of the committee who were trained in Microsoft Publisher the newsletter is now produced internally. The newsletter has proved to be successful as both work related issues and social events are in the newsletter. In order to further improve communication with the public, notices have been put up around the court informing them of the Court Services strategy and providing the Court Manager's telephone number if they are not happy with the service they have received.

Management has also begun to engage with the Department of Public Works in order to create a better working environment. Public Works is currently

busy with their RAMP (Restoring and Maintenance Project) at Durban Magistrates Court.

Another successful outcome of the strategy was the effort to address the case backlog at the Clerk of the Criminal Court which is a problem throughout the criminal justice system. A committee was set up and they addressed this by asking each section to provide one staff member to work on the backlog. In six months the backlog was halved.

Our efforts in 2004 have focused predominantly within the Durban region and it is our intention to roll out provincially in 2005. With the reorganization in the DOJ, a Provincial Senior Court Manager, based in Pietermaritzburg, has been appointed and we have been in consultation with him around providing training to all courts in KZN. He is very intent on providing all management with intensive training and is generally supported by the National office who has agreed in principal that this training is needed. Once again a hindrance to this process are the regular postponements and cancellations of training schedules due to the constant turmoil experience at the National level, and passed on to provincial offices, as senior people struggle to create a coherent organisation within impossibly optimistic time frames.

#### **Magistrates: Activities 2004**

Our work with the Magistracy this year continued with the facilitation of a training committee, which was established in late 2003. A large part of our efforts have been concentrated on driving the concept of Peer Learning, amongst the KwaZulu-Natal Area Cluster Heads with a predominant focus on District Court Magistrates in the criminal courts. This was a concept brought to our attention by the training committee and we were able to partner with Tony Sardien of the Law, Race and Gender Unit (LRG) of the University of Cape Town who were in the process of developing material around this concept.

Twelve magistrates were identified as Peer Learning Leaders and after having attended two skills development and planning workshops they have embarked on driving peer learning events in their respective areas. The training committee has also produced a newsletter around these issues and an informal evaluation of progress to date will be held at a workshop in early 2005. A reflection on the process to date is included as Addendum K.

This is an innovative and replicable model of learning for a group of individuals who are independent and, largely, unaccountable. Since the establishment of skills standards cannot easily be driven by a management group Peer learning, and also peer pressure, might be the only effective manner of building coherent skills standards within the magistracy.



We were also able to join forces with ARMSA (Association of Regional Magistrates SA) in order to host a "Laws of Evidence" seminar for regional court magistrates. This seminar was videotaped and we intend to distribute this in 2005 as a training video for future use.

### **Provincial Integrated Justice Forum (PIJF)**

The PIJF was re-established in the third quarter of 2003<sup>3</sup> and since then has grown substantially over 2004 into a powerful, high ranking, multi-agency forum, which boasts a number of leading and influential figures from the following departments:

*Legal Aid Board; NPS; SAPS; Correctional Services; Independent Complaints Directorate; DOJ; KZN Law Society; Safety and Security; Magistracy;*

It was our stated intention to encourage a more "delivery focused" agenda and we believe that this has been largely achieved with the forum addressing issues such as:

*Pre-Trial Conferences; CCTV Linkages; Targeted Prosecutions; the IJS Structures; Overcrowding of Prisons; Community Courts; and Implementation of Case Flow Management.*

It is a diversified forum, whose prime area of focus has been the implementation of the proposed National Case Flow Management Manual, a complex and multifaceted, working document that involves all the roleplayers involved in the PIJF. The development of this manual is being lead by a National Committee headed by the Magistracy (with the implementation process is being strongly driven by the Court Services Unit of the Department of Justice) and the content has been fashioned with substantial input from KwaZulu-Natal.

Over the course of 2004 we provided administrative support to the Forum by organising the two-monthly meetings, preparing and distributing minutes (in partnership with the Head Registrar, Durban Magistrates Court), providing regular documentation and information, liaising with the Court Services Unit of the National Department of Justice and by setting up a website which is regularly updated by new developments and procedures in Case Flow Management. The website can be viewed at <http://www.justiceforum.co.za>

As a result of our support for the PIJF we were also invited to participate in the process of developing the Case Flow Management Manual and to this end facilitated a one-day workshop to draft the KZN contribution to this document. This draft formed the basis of the National document and we are

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<sup>3</sup> CJSP Interim Report 2003, pg 3, IPT

currently working with the National Committee around the production and distribution of the final product. (see website)

One of our primary project objectives was that "case management will improve with greater integration and communication between the relevant role players" and the implementation of this manual would be a substantial contributor to this objectives. It aims to provide the various role players with clear guidance around roles and responsibilities and for the first time we would have a nationally sanctioned document which could be utilised as a performance assessment tool.

We have been able to play an integral part in the continuation and perpetuation of Case Flow Management in both the province and the country, by granting much needed guidance, facilitation and resources to promote sustainable development and growth of the Case Flow Management principles and codes.

### **International Networking: Visit to the United Kingdom**

In November 2004 Glenda Caine and Iole Matthews made a trip to the UK to attend a conference focused on asset forfeiture and good practice. At the request of one of the AFU's senior investigators we visited the Metropolitan Asset Forfeiture unit in order to appraise their performance management processes. The Head of the Unit Tristram Hicks hosted us and we have subsequently met with him in Gauteng.

We are currently working with the AFU to review and develop their own performance management processes and documentation. The information generated from this initiative is proving most useful in identifying competency profiles for the NPA.

We also spent a day with Adrian Studd who heads the Safer Clubbing Unit of the Metropolitan Police. Given the problems associated with clubs, drugs, bouncers, weapons etc in Durban, and the resultant impact of these matters clogging up the courts, we will be working closely with Adrian Studd, the South African Police Service, Metro Police, Metro Council and other interest groups to implement a similar initiative in Durban by June 2005. This will become part of our funded interaction with SAPS and has been welcomed by all stakeholders. It is also in line with the province wide safety initiative of the provincial minister of Safety and Security, Bheki Cele.

### **Monitoring and Evaluation**

Strategy and Tactics have continued to provide monitoring and evaluation support to us and the project recipients. A mid term review, conducted in early 2004, provided feedback around what has worked and identified areas which could be improved. The review found that in general, our project

continued to receive positive feedback from our partners in the CJS.  
Examples of these comments included:

- "You can feel the improvement in morale"
- "KZN is ahead of the game ... more ideas and initiatives"
- "IPT are professional ... they understand the sector"
- "IPT provide ongoing support, not one-off interventions"
- "We are making things happen by getting role players to talk to each other"
- "We've moved from crisis management to thinking strategically"
- "Case flow concept is important and influential ... we are now seeing spillage [sic] into civil matters... we are seeing best practice from criminal courts being imitated"
- "Bad attitude/ negativity in prosecuting service have diminished... Personal self-confidence has improved, people seem to be taking responsibility... they seem to be getting their house in order"

Over the course of the project a number of interventions were found to have worked particularly well and these included:

- **Organisation Development Initiatives**  
Strategy  
Monitoring Implementation
- **HR Initiatives**  
Managing employee capacity  
Management Skills  
Performance Measurement  
Absenteeism initiatives being established  
Training needs being identified

Our sector wide interventions, as opposed to those which were run with the individual departments, were also found to have had positive results. The findings on two key sector wide structures, the PIJS and the Provincial Oversight Committee on Sexual Offences, were as follows:

- **PIJF**  
Functioning well – "we feel motivated to attend"  
All key provincial roleplayers participating  
Provides broad forum for sector-wide problem solving  
"Choice of venue is enticing ... so used to ill-equipped surroundings"
- **Provincial Oversight Committee**  
Demonstrates how roleplayers can work together  
Breaking down barriers  
Common focus

Although the review was enormously positive, a number of challenges were identified. A key concern was that the recipients of this project might

become dependent on us, both for facilitation and resources. In response to this finding, project staff has ensured that we discuss exit strategies with time frames with all partners. We have also had significant success in working with partners to raise resources internally from within their own departments.

The size and complexity of the project has also meant there is a high risk for us to lose focus. The constantly changing agendas in the various departments and the lack of coherence in the sector, means that at any one time a number of priority issues are vying for attention. In response to this our staff have reviewed our internal reporting system, with an improved report and record keeping system designed by Matthew Smith of Strategy and Tactics. The project workplan was reviewed and staff / consultants agree on broadly defined 30-day actions. This has helped maintain project focus and ensured a coherent response to the constantly changing environment.

A final challenge was to ensure that "project memory" was maintained. The size of the project and the number of groups involved has meant that a number of people felt they were "not really sure about what the project has achieved ...we only have an inkling of what IPT has achieved"<sup>4</sup> Recommendations from the review around the documentation of the project are being adopted and implemented.

## Conclusion

The project, at the end of its second year, has proved remarkably successful, notably because it has earned the political buy-in of both National and Provincial leadership within many of the key departments. Both the Director of the KZNPA, Adv Shamilla Batohi as well as the then Director of the NPA - the National Prosecuting Authority, Adv Bulelani Ncguka and the National Director of the Prosecuting Service, Adv Jan Henning, were overtly supportive of the project. In addition there has been widespread support for the project from the Provincial Commissioner of SAPS, Director Ngidi, the Head of Detective Services Ass Commissioner Brown, the National and Regional Heads of Court Services, Ms M Sejoswenge and Mr J Manual as well as the Chief Magistrate Mr Mabaso.

The roll-out of the varied initiatives, both to other courts, and to other departments within the CJS has been successful, in part due to these excellent relationships we have built up over the course of the project. A list of the consultants and service providers we have utilised is attached as Addendum L.

As we noted earlier the objectives for this project were ambitious considering the environment and climate in which the project was initiated. However two years into the project we believe there has been a marked improvement in

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<sup>4</sup> CJSP Mid Term Review" Matthew Smith, Strategy and Tactics

the capacity amongst managers to manage performance within the Criminal Justice Sector (CJS). This is particularly evident in the management of the PIJF which has grown substantially over the last year. The KZNPA has also demonstrated a number of internally driven initiatives which provide concrete evidence of improved management. The achievement of the various departments' internal targets remains a key indicator of improved performance.

Over the next three years we feel increasingly confident that there will be evidence of improved levels of service being delivered to members of the public in the court environment.

Iole Matthews  
Val Smith  
Stephen Phillip  
Matthew Smith

# **Addendum A (Pg 2)**

## **Feasibility Study**

## Addendum B (Pg 5)

### Activity List

Planned Activity	Status at end of Project
<p>A phased management development programme based on the two-year pilot project with KZNPA and linked to the Department's strategic objectives. This management development process would include workshops, facilitated sessions, mentoring and coaching, as well as support for new skills as they are operationalised.</p>	<ul style="list-style-type: none"> <li>o Strategic plans for both KZN PA and DOJ Admin Staff have included "management development" as key objectives.</li> <li>o Measures embedded into the strategic plans to allow managers to assess progress against these measures on a monthly basis.</li> <li>o A two day conflict management workshop with DOJ managers and supervisors</li> <li>o Workshops in Managing Incapacity and Disciplinary Enquiries held for DOJ managers in Durban</li> <li>o A series of workshops have been delivered to KZNPA management including an 8-day Management Development Programme delivered by Milpark Business School. A series of workshops for DOJ Admin have been delivered</li> <li>o Mentoring and coaching has been provided for several managers around managing staff performance</li> <li>o A pilot mentorship project has been initiated in two prosecuting authority clusters</li> <li>o Facilitation of monthly Promanco meetings (KZNPA management) to ensure a strategic focus and organisational learning</li> </ul>
<p>Liaison with Justice College to ensure training is co ordinated, accredited and supported institutionally. This would also strengthen the capacity of Justice College.</p>	<ul style="list-style-type: none"> <li>o Ongoing discussion with Justice College and Re Aga Boswa<sup>5</sup> Training Stream co ordinators</li> <li>o Discussion with SAQA around accreditation of IPT training</li> <li>o Provision of Training to Court Interpreters around various issues i.e. Ballistics, DNA etc</li> </ul>

<sup>5</sup> ReAgaBoswa is the Department of Justice's National Transformation programme which has been piloted in KwaZulu Natal

<p>System wide support for managing employee incapacity following training of managers – this involves the use of a bureau system to capture and analyse absenteeism trends amongst staff as well as its cost.</p>	<ul style="list-style-type: none"> <li>o One-on-one Support provided to all Chief Prosecutors within the province and DOJ managers in the Durban area</li> <li>o HR support provided to the National Prosecuting Authority Corporate Services Department (cost for this support has been covered by the NPA itself)</li> <li>o Implementation of bureau system throughout province with NPA</li> <li>o Implementation of bureau system with Durban Magistrates Court: Court Services DOJ</li> </ul>
<p>In consultation with the KZNPA the Provincial training unit would identify needs and provide supplementary training for prosecutors.</p>	<ul style="list-style-type: none"> <li>o Establishment of a training committee within both the KZNPA and DOJ: Durban Magistrates</li> <li>o Inclusion of training in the provincial strategy</li> <li>o Development of a training plan in line with NQF and SAQA requirements and linked to employment equity</li> </ul>
<p>The attitudes of magistrates play an important role in the fair administration of justice and we would access targeted training around social context issues like gender, and overcoming bias which would enable magistrates to delivery a service to the public in a way that is informed about issues of diversity in post apartheid South Africa.</p>	<ul style="list-style-type: none"> <li>o Establishment of a magistrates training committee</li> <li>o Skills analysis for magistrates</li> <li>o Needs assessment started</li> <li>o Peer Mentoring Project with LRG</li> <li>o Provision of "Laws of Evidence" Seminar</li> <li>o <i>Social Context training delivered to Magistrates by Justice College in partnership with LRG</i></li> </ul>
<p>Provide support for re establishment of the Provincial IJS committee –We would also act as a lobbying and advocacy agency to encourage more "delivery focussed" meetings. This would be followed by the re</p>	<ul style="list-style-type: none"> <li>o Inclusion of this objective in KZNPA strategy for 2003</li> <li>o PIJS committee re-established</li> <li>o Support services provided to PIJF committee</li> <li>o Website for PIJF</li> <li>o Assistance with development of Case Flow Management Manual</li> </ul>



establishment or creation of local meetings identified as necessary.	
IT training for management / supervisors (including basic computer skills, using email and internet)	<ul style="list-style-type: none"><li>o Provision of IT training to management and supervisors</li><li>o IT support for maintenance clerks in DOJ</li></ul>

**Addendum C (Pg 6)**  
**KZN Prosecuting Service Strategic Plan for**  
**2004/5**

# Addendum E (Pg 6)

## Implementing a strategically aligned performance appraisal process through the value chain

5 – 8 October 2004

This workshop is designed for all executives/managers who have a direct or supporting role in developing and implementing their unit's strategy, including the performance management system. This course will provide a framework for delegates, whatever the nature of their previous functional areas, with an understanding of the principal functions of management. It also shows how each of these functional areas links to business strategy as well as the main current issues arising within each functional area.

- Unit 1: Creating an understanding of the business environment through the value chain and operations management
- Unit 2: Finance
- Unit 3: Business transformation and people management
- Unit 4: Strategic planning

43 Delegates attended the programme. On the last day delegates were given the evaluation questionnaire to ensure critical feedback for future reassessment and improvement. We received 35 completed questionnaires.

The evaluation form is divided into 3 sections.

A Subject matter covered

B Evaluating the four facilitators

C Open ended questions intended to construct view on workshop as a whole.

### A EVALUATING THE SUBJECT MATTER

Delegates were asked to rank the subjects covered.

Where 1=poor, 2=fair, 3=average, 4=good, 5=excellent

Unit 1: Create an understanding of the business environment through the value chain and operations management (Dave Carstens)

Overall rating for the specific questions were as follows:

Question 1: Usefulness of content	3.94
Question 2: Comprehensiveness	3.94
Question 3: Advertised course objective achieved	3.87
Question 4: Duration	3.50 (* Not included in final score)

Overall rating for the full section was **3.92**

Comments made to this section in particular was:

- Very comprehensive given one day

Unit 2: Finance (Graeme Jay)

Overall rating for the specific questions were as follows:

Question 1: Usefulness of content	3.54
Question 2: Comprehensiveness	3.67
Question 3: Advertised course objective achieved	3.39
Question 4: Duration	3.27(*Not included in final score)

Overall rating for the full section was **3.53**

Comments made to this section in particular was:

- Well explained to people that had never had contact with this
- Comprehensiveness – perhaps, good practices in the work place
- The tutor was excellent = for my handicap, I did not have background in accounting
- Very comprehensive given one day
- Time constraints imposed by ourselves – more time would have been good
- Did not know what the course objectives were

Unit 3: Business transformation and people management (Tony de Gouveia)

Overall rating for the specific questions were as follows:

Question 1: Usefulness of content	4.14
Question 2: Comprehensiveness	3.91
Question 3: Advertised course objective achieved	3.93
Question 4: Duration	3.40(*Not included in final score)

Overall rating for the full section was **3.99**

Comments made to this section in particular was:

- Very comprehensive given one day
- Needed more time

#### Unit 4: Strategic Planning (Mike Gee)

Overall rating for the specific questions were as follows:

Question 1: Usefulness of content	4.29
Question 2: Comprehensiveness	4.03
Question 3: Advertised course objective achieved	4.00
Question 4: Duration score)	3.97(*Not included in final

Overall rating for the full section was 4.11

Comments made to this section in particular was:

- Needed more time for this
- Great explained
- Very comprehensive for one day

#### ***B EVALUATING THE FACILITATORS***

Delegates were asked to rank the facilitators

Where 1=poor, 2=fair, 3=average, 4=good, 5=excellent

**Dave Carstens (Create an understanding of the business environment through the value chain and operations management)**

Question 1: Presentation Skills	3.88
Question 2: Subject Knowledge	4.27
Question 3: Lecture Material	4.00

The overall ranking for Dave was 4.05

**Graeme Jay (Finance)**

Question 1: Presentation Skills	4.09
Question 2: Subject Knowledge	4.41
Question 3: Lecture Material	3.91

The overall ranking for Graeme was 4.14

**Tony de Gouveia (Business transformation and people management)**

Question 1: Presentation Skills	4.26
Question 2: Subject Knowledge	4.41
Question 3: Lecture Material	4.18

The overall ranking for Tony was 4.28

### Mike Gee (Strategic Planning)

Question 1: Presentation Skills	4.32
Question 2: Subject Knowledge	4.38
Question 3: Lecture Material	4.32

The overall ranking for Mike was 4.34

### ***C OPEN ENDED QUESTIONS TO THEIR REACTION TO THE WORKSHOP AS A WHOLE***

1. Did the workshop meet your expectations?

- All (91%) except 3 delegates believed that the workshop met expectations.
- The handbook will serve as my future guide
- Yes though I'd like more on managing conflict
- Yes all the lectures were excellent
- Very informative. Really well presented. Makes a lot more sense now
- Yes, Good basic stuff
- Yes
- Yes
- Yes content excellent. Presentation excellent

2. Would you recommend the workshop?

- All (91%) except 3
- Most certainly
- Bit short but ok
- No Not to people in the prosecution services More relevant to business professions
- No need to simplify according to organisation's needs

3. What is your overall rating of the workshop? Please discuss your rating according to Excellent/Good/Average/Fair/Poor.

- All except 2 (94%) individuals believed the course to be good or excellent

4. Which section did you find the most interesting?

- Strategic planning was named to be the most interesting

5. Which section did you find the least interesting?

- Finance

6. Do you have any additional comments that have not already been discussed?
- We could be provided with course like these frequently
  - Keep up the good work The world is a better place because people like you sharing with
  - Thank You. Hope to see you at the follow-up course. We are just as competitive as busin  
we do not make a profit
  - Little relevance
  - Can we have another workshop on Finance and strategic planning
  - Well done Thanks to ITP

Notes from Programme Manager:

Overall I believe that the programme was very successful with our facilitators constantly ranking higher than 4 out of 5.

Delegates were also asked to rank the content delivered on the following three categories:

- Usefulness of content
- Comprehensiveness
- Advertised course objective achieved

Taking the average of the 4 different units, we ranked 3.89 out of 5 which is a very high ranking being given to us by 35 delegates (The ranking that delegates gave to duration of the 4 separate units is not included in working out the average – quite a number of delegates felt that there should have been more time allocated per unit).

## Addendum F (Pg 9)

### PROJECT OVERSIGHT COMMITTEE MULTI-SECTORAL TRAINING PROGRAMME FOR 2004

20 Feb	Overview – How the victim goes through the system. The multi-disciplinary approach; Growing up in SA; Disclosure - ;	Rita Blumrick  Joan van Niekerk
19 Mar	Understanding medical qualifications; Medical exam of pre pubertal children; Meaning of the terms in the J88; STD's and incubation periods; Age of injuries;	Dr Neil McKerrow
16 Apr	Medical exam of adolescents and adults; Menstrual blood/ blood from injuries; Video by Jamie Farrell (USA) on collection and crime kit; Dr as expert witness;	Dr Sagie Naidoo  Rita Blumrick
21 May	DNA; Hair analysis; Evidence collection; Statistical database; How to get the experts qualifications on record; Questions to ask; Cross exam of defence experts;	Forensics
18 Jun	How to manage survivors and to support them through the process; Court preparation; BeeCourt Wise;	Childline KZN  Joan van Niekerk Karen Tewson
16 Jul	Trail Advocacy;	Dorain Paver
20 Aug	The developmental stages of a child and talking to children; Patterns of disclosure;	Clive Willows  Steve Collings
17 Sep	Memory; Incest; Sexualization of the abused child;	Brian Harvey Clive Willows
15 Oct	Trauma to role players – dealing with victims - systems frustrations Myths and stereotypes;	Clive Willows  Steve Collings
19 Nov	Restorative Justice; Parole; Offender Management;	Correctional Services Joan van Niekerk



# Addendum G (Pg 12)

DYNEM  
 DEVELOPMENT REVIEW – EXAMPLE  
 Name:

Skill or Field for Development

<i><b>Communication Skills</b></i>	2	4	6	8	10	Score
Verbal Communication						
Written Communication						
Listening Skills						
Presentation Skills						
<b>Score</b>						
<i><b>Interpersonal Skills</b></i>						
Conflict Resolution						
Negotiation Skills						
Customer Service						
Personnel Service						
<b>Score</b>						
<b>Total Score</b>						

10-Excellent; 8-Good; 6-Satisfactory; 4-Can Improve; 2-Needs Support

Interventions	Completion Date
Business Writing Skills W/Shop	
Listening Skills	Ongoing
Presentation Skills W/Shop	
Conflict Resolution	Ongoing
Personnel Service	Ongoing

Mentor  
(Sign)

Mentee  
(Sign)

Date

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**Addendum H (Pg 12)**  
**National Prosecution Service (NPS)**  
**Service Charter**

**Addendum I (Pg 14)**  
**Dept of Justice Strategy Brochure**

# **Addendum J (Pg 14)**

## **Edge Training Consultancy CC - Training Report**

**Conflict Management Program  
Department of Justice  
11/12 May 2004**

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### **General**

19 delegates, 3 from IPT and 16 from Department of Justice, attended this two day program at Charis Manor, Durban North to highlight and address various conflict issues which were evident within their department. It was interesting to note that the delegates had themselves opted to go on this course and this was evident in the manner in which they gladly volunteered information and were, on the whole, highly participative.

Some delegates were initially reticent to get involved, however by lunch on the first day there was a good atmosphere of participation. The spirit shown by the group made dealing with issues easier. As a whole the group was very positive and actively sought out solutions to current issues and issues that they had not dealt with successfully in the past.

On the whole we were very impressed with the program. The key conflict skills seemed to be internalised (as evidenced during the Final Skills Practice) and as long as they continue to practice these skills, there should be a marked reduction in the level of friction and frustration which they are currently experiencing.

### **Observations from the program**

In spite of the fact that all the delegates understood the principles involved in conflict resolution (evidenced by the final Skills Practice), there were still one or two delegates who chose to believe that negative conflict was unavoidable. Case in point was the delegate who was proud of the fact that they had silenced a conflict situation by swearing at the opposing party!

An area of concern was also the race issue. Whenever we broached the subject the group became very quiet and unparticipative. It is our opinion that this group is not comfortable in accepting the differences apparent in the current workforce and would prefer to pretend they don't exist. This however is an underlying conflict minefield which may hinder productivity within this department if not addressed.

Communication within the department also seems very strained and fragmented. It appears from what we were told that communication is not passed on and very few people, if any, have an accurate picture of the “big picture”. This leads to a reluctance in people to do new things as they have no idea why they are doing it or why it is more beneficial than what they are doing now.

We also found the use of titles very disturbing. Certain individuals were addressed as Mr. or Mrs. throughout the course, even during cognitive exercises and skills practices! This creates a very hierarchical mentality which hinders communication, productivity and creative thinking.

### **Final Remarks**

We were very excited to hear that most of the delegates on the program wanted to send their subordinates on a similar program within the organization. One of the delegates was in fact the training officer for the department and she undertook to create some sort of in house program which would align with what they learnt on this course. We would highly recommend that this is done.

## Addendum K (Pg 16)

### PEER LEARNING AND JUDICIAL OFFICERS – REFLECTIONS ON THE KWAZULU NATAL INITIATIVE

In July 2004 the KwaZulu Natal Training Committee, in partnership with the Independent Project Trust presented a workshop on peer learning for area cluster heads and the training committee members. The workshop, facilitated by Tony Sardien of the Law, Race and Gender Research Unit (UCT), concentrated on the uses and potential of peer learning in the continuing professional development of judicial officers. Judicial officers discussed their learning and developmental needs in KwaZulu-Natal, assessed the current learning programmes offered and examined the implications of the Skills Development Act. Participants clarified the responsibilities of the KZN training subcommittee members and area cluster heads in relation to continuing professional development and drew up a plan to introduce peer learning in KZN. A second workshop, presented in September 2004 focused on clarifying key adult learning principles and prepared judicial officers to plan and facilitate peer learning activities.

These training interventions are in response to the changed constitutional context that requires judicial officers to re-examine their assumptions concerning the administration of justice. Judicial officers are not only asked to change a procedure, or adjust to the introduction of a new machine or work process or to work with a different group of people. Judicial officers are required to do *all* of these things *and* begin to change 'mindsets,' involving a reconsideration of the very basis upon which they did their work. The Constitution frames these changes that respond to the need to address the fundamental and pervasive inequality in our society. In this context, learning and professional development becomes very important.

Peer learning provides an informal network for judicial officers who face similar challenges and experiences. Peer learners might share good practice, knowledge, make contacts and resolve problems together. The purpose is to support ongoing improvement of professional practice and provide a framework for engaging in constructive reflection on professional practice.

Peer learning does not form part of an appraisal mechanism, nor is it designed to determine promotion or to investigate 'under-performance'. These intention do not help to promote the main aims of peer learning, which are to extend and enhance skills through refining

existing strategies and learning about new ones. It has a development and improvement orientation not a judgmental one.

In reflecting on the experience of the two workshops and then monitoring the efforts of the KwaZulu Natal judicial officers to implement what they had learnt, I have noted the following:

- Judicial officers in KwaZulu Natal had reflected on their experience of ongoing professional development and concluded that peer learning was possibly a more empowering educational strategy than mentoring and the 'teacher' or 'lecturer-led' methodologies, which has characterised much of South African judicial education in the past. The members of the training committee, in particular, thought that peer training had the potential of involving judicial officers in the shaping of their learning priorities and in the development and implementation of the learning programmes and resources that they need.
- In the course of 2004, judicial officers participated in the provincial workshops and in the subsequent area cluster meetings where they clarified their understanding of the potential of peer learning and how to apply it in their own contexts.
- Judicial officers made interesting suggestions on how to facilitate peer learning, for example,
  - Combining discussions on areas of professional practice with a family social activity on a Saturday, especially in cases where judicial officers work in distant offices.
  - Requesting judicial officers to fund the catering and some of the other costs of the one-day learning programmes from the standard daily subsistence allowance that they are entitled to claim when they are out the office.
  - Asking judges who regularly visit certain courts to assume responsibility for aspects of the professional development of the district court judicial officers stationed there.
- The managers who participated in the peer learning workshops are managers drew connections between the use of peer learning as an educational strategy and the development of their own management philosophies and practices. A number of participants explained that the use of peer learning in their work context opens up the possibility of a better appreciation of the diverse backgrounds and experiences of their colleagues.

- A strong lesson to emerge in the course of the workshops and the subsequent implementation of the peer learning activities was the realisation of the importance of recognising and appreciating the diversity of one's peers. This realisation is closely related to the practice of equality between peers. In addition, in this respect, a number of judicial officers reflected on their experiences of having learnt from their peers, even when the relationship was formally hierarchical. One participant related his experience of orientating a colleague to his court duties. He learnt a great deal from his colleague who had extensive experience as an attorney. His account challenged assumptions about the roles of learner and educator in the context of judicial work.

Finally, those judicial officers concerned about transformation and the realisation of equality in our society have sustained the KwaZulu-Natal peer learning initiative.

Tony Sardien  
Senior Researcher / Trainer  
Law, Race and Gender Research Unit, UCT  
28 January 2005



## **Addendum L (Pg 20)**

**Tony Sardien;** Law, Race and Gender  
Peer Learning, Social Context Training

**Melany Bydowell;** HRTorque  
Absenteeism, Managing Employee Incapacity

**Matthew Smith;** Strategy and Tactics  
Monitoring and Evaluation

**Prosoft Computers;**  
Website Design

**Dean Griffiths;**  
Graphic Design and Printing

**Edge Training;**  
Conflict Resolution

**Dallas Fenthum;**  
Disciplinary Enquires

**Doc Pascoe and David Maepa;**  
Mentoring and Coaching

**André Du Toit;** HJN Training  
Forensic Training

**Milpark Buisness School;**  
Performance Management

**Ingrid Botton;** Silver Lining Computers  
Computer Training

**Elaine Folscher;**  
Skills Analysis

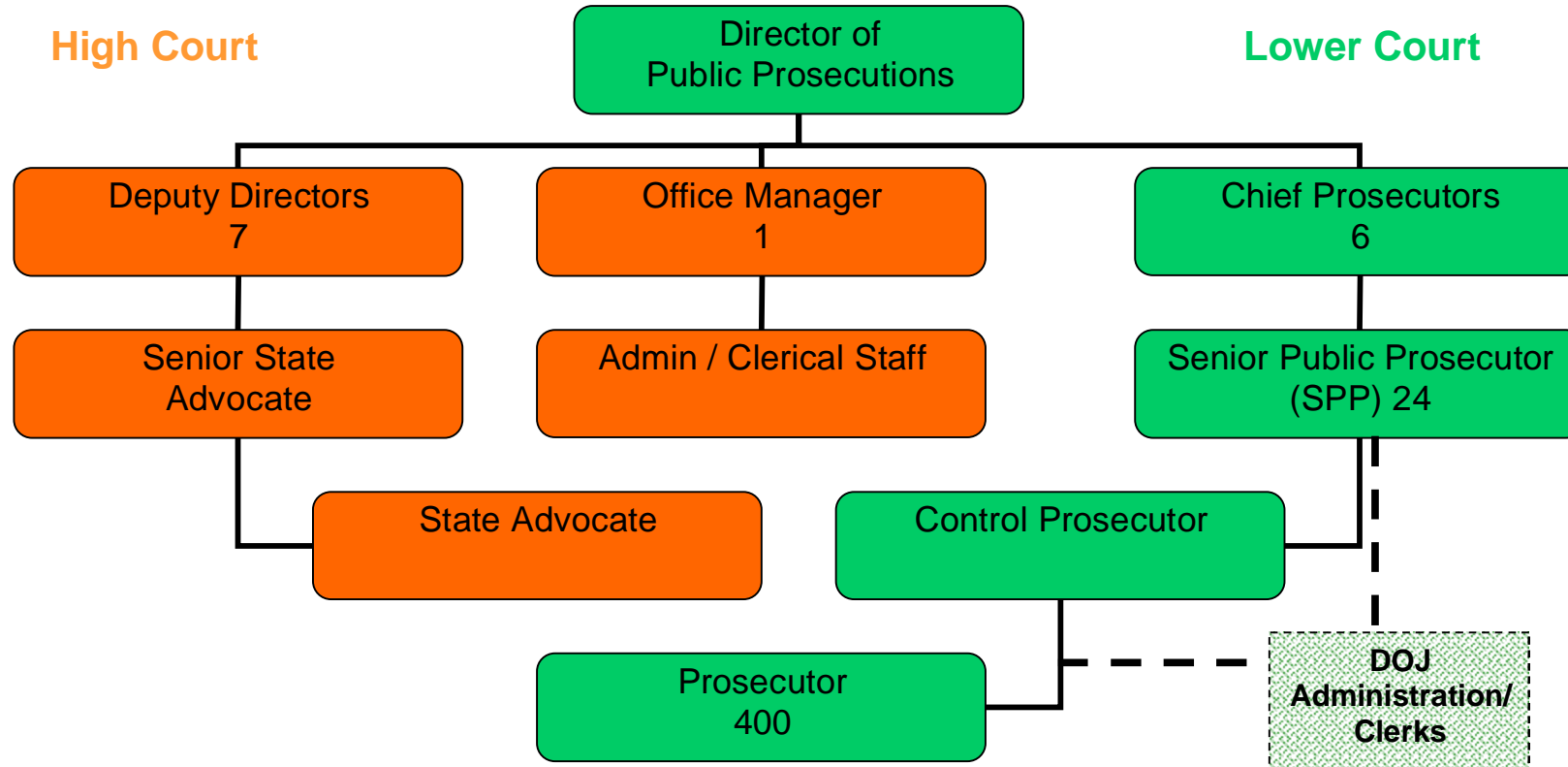
**Marna Hanekom;**  
RBT Training

# **Financial Report**

## **1 January 2003 to 31 December 2004**

## Addendum D (Pg 6)

# KZNPA Structure



# Promanco

(Provincial Management Committee)

