

LEGAL AID SA GUIDELINES ON MEASURES TO DEAL WITH THE COVID 19 PANDEMIC

17 March 2020

1. The purpose of these guidelines is to inform Legal Aid Citizens, including contract workers (cleaning and security officers) on measures that are being implemented to limit the spreading of the coronavirus outbreak, which has been declared a global pandemic by the World Health Organization and a national state of disaster in terms of the Disaster Management Act. by the President of South Africa on 15 March 2020.
2. In order to minimize the spreading of the disease, Legal Aid SA has implemented the following measures:

2.1. Biometrics

National Office has ordered the access cards that will replace the current biometric system. The cards were received on Monday, 16 March 2020, after activation, they will be couriered to the various offices throughout the organization.

While we are waiting for the distribution of the access cards, the biometrics system will be deactivated for a period of a week, 16 – 20 March 2020, to allow the staff and sub-contractor (cleaners and security officers) to enter and leave the premises, without having to present their fingerprints on the system.

During this period, manual registers will be maintained by each office. Each staff member will be required to sign the register as they enter and leave the premises of Legal Aid SA.

2.2. Hand sanitation and wet wipes

Each Legal Aid SA office has been requested to procure the hand sanitisers / wet wipes to be placed at each key point which include reception area, and the access doors. These should be utilized by everyone entering the building, which include staff, clients, visitors, suppliers etc. In instances where local offices have not been able to procure the sanitisers /wet wipes, the National Office will coordinate the procurement on behalf of those offices and distribute to the respective offices. Further that staff that are to be on duty at court and correctional centers will be given hand sanitisers and wet wipes whenever stock is available.

2.3. Non-essential travel

All non-essential travel by air should be suspended with immediate effect. This includes travel for attending meetings, training, preparedness audit, special functions etc.

The hosting of international delegations should be suspended with immediate effect.

We have established the financial implications of the cancellations and these will be managed at National Office level.

2.4. Critical Interviews

Interviews may be conducted through skype or telephone. In case it is desirable to conduct an interview face-to-face, prior approval should be sought from the relevant Executive.

2.5. Promote social distance

All employees are encouraged to promote and maintain a safe social distance when interacting with each other and or with clients, suppliers and everyone that they come into contact with. Managers are to review the open plan working arrangements to encourage and allow a safe social distances amongst the colleagues.

In order to minimize the number of clients at waiting areas, having assessed the urgency of the matter, allocate an appointment or future date as to when the client can be assisted. Boardrooms can also be utilized to create additional space with social distance.

In order to minimize the number of contact meetings, clients are to be encouraged to call the toll-free Advice Line: 0800 110 110 and the Please call me number: 079 835 7179. Then information of these telephone numbers should be placed at the reception areas. Non-urgent matters can be attended to through the helpline.

2.6. Postponement of face to face meetings or Forums

Face to face meetings especially of large groups should be postponed. These would include staff meetings, HoO Forums etc. Alternatively, these meetings could be held via video/telephone conference. Any urgent communication could be transmitted via emails.

2.7. Review the Flexi working Arrangement (FWA)

The FWA will be reviewed as a matter of urgency to increase the number of participants and also increase the number of days that qualifying employees can work from home. This is to minimize the interaction between staff members in order to curb the spreading of the virus.

To further minimise the number of people working in office, the following proposed measures are being considered for implementation:

- 1) Employees are to be encouraged to take their annual leave and rotate people where operational commitments allow. Practitioners may be permitted by their HoOs to report directly to court on a rotational basis where this is practically possible.
- 2) Those dealing with cases at court, do not need to report to the office. Court preparations may be done via the telephone;
- 3) The FWA to be extended with management rotating in their availability in office;
- 4) The use of APN for remote connectivity to Legal Aid SA computer systems to be extended and allocated to more people who could be working away from home.

n.b.: This clause 2.6 need further clarity on processes to be followed and staff will be engaged to obtain additional measures that can be implemented.

2.8. Leave

In the event that any of Legal Aid SA's employees' is required to self-isolate or is quarantined for a period of 14 days, if there is suspected infection, the time spent away from work for this purpose, will be treated as special sick leave, and will be accounted for as such. This will first be allocated to an employee's normal sick leave. Should you require any additional sick leave in subsequent period, additional sick leave will be allocated.

2.9. Business Continuity Plan

In the event that an office is affected by a possible infection and the staff in the office had to be self-isolated or quarantined, the relevant HoO or Manager should as a matter of urgency escalate the matter to their Provincial Executive / National Executive who will evoke the measures of the Business Continuity Plan.

2.10. Posters and sharing of information

Our Communications Department will provide contacts details and measures of what to do, should any of our employees suspect that they may be infected or have come into account with someone that may be infected by the Covid-19. The number to call 0860 299 999. The Communications Department to arrange for the

vernacular posters to be put at different areas as per the approved Legal Aid SA Language Policy of February 2020.

2.11. Measures in Courts and Court precincts

The DoJ is currently leading a process to develop measures to curb the spread of the COVID-19 in District and Regional courts and court precincts. As a result, appropriate measures in terms of the Regulations under the Disaster Management Act, 2002 (Act No. 57 of 2002) are to be formulated as a matter of urgency.

The Office of the Judge Presidents of each Division of the high Court is expected to issue directives in respect of restricting access to court in light of the COVID-19

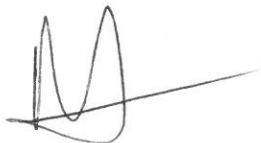
2.12. Good Hygiene practice

All staff are encouraged to practice good hygiene by observing the following:

- Wash your hand regularly with plenty of soap and water.
- Keep an alcohol-based sanitizer ready for times when soap and water are not available.
- Don't touch your eyes, mouth or nose with unclean hands.
- Keep your distance of at least 1 meter from anyone coughing or sneezing.
- Follow no-touch greeting for no germs contracted.
- Open windows for fresh air
- Don't sneeze or cough into your hands. Use a tissue and throw it away immediately, or sneeze in the inner side of your elbow.
- Don't travel or visit crowded places if you're sick. If you feel unwell, seek medical attention.
- If you have a fever, cough, or difficulty breathing, stay indoors. Call healthcare professionals and follow their advice.

2.13. These measures come into effect immediately.

2.14. All these measures will be reviewed periodically; Staff members will be engaged as soon as there are changes to the guidelines or when these measures will be suspended.



**Chief Executive Officer
Ms Mantiti Kola**

GUIDELINES: EXTENSION OF FLEXIBLE WORK PROGRAMME
EFFECTIVE 23 MARCH 2020

19 March 2020

1. Introduction

The Memorandum sent by the CEO on 17 March 2020, on Legal Aid SA Guidelines on Measures to Deal with COVID-19 refers. In terms of clause 2.6 of that document, it was advised that further clarity will be provided on how to implement some of the guidelines mentioned. This memorandum is intended to provide clarity on how our current Flexible Work Programme will be extended to the various categories of staff during the period of the COVID-19 National Disaster announced by the President.

2. Criminal Court Practitioners

2.1 Lower Court Practitioners (LP)

- a) All lower court practitioners are required to attend to their court work as per the approved staff deployment plan.
- b) RC and DC Legal Practitioners will be permitted to report to their assigned court room directly from home on the days that they have been assigned court coverage duty (i.e. 4 days per week) and to return to their home immediately upon the conclusion of their court day.
- c) RC and DC Legal Practitioners will however be required to report to the office on their scheduled consultation and preparation day (i.e. 1 day per week).
- d) Candidate Legal Practitioners with more than 12 months' service will be permitted to report directly to their assigned court room and to return to their home immediately upon the conclusion of their court day for 2 days in the week. For the other 2 days that they have court coverage responsibilities, they must only report in the mornings to the office for legal support and supervision but may return directly to their homes after the court session is concluded. These practitioners will however still be required to report to their office on their scheduled consultation and preparation day (i.e. 1 day per week).
- e) Candidate Legal Practitioners with between 6 and 12 months' service with Legal Aid SA will be required to report every morning to the office for legal support and supervision before they proceed to court. They will however not be required to report back to the office after the conclusion of the court day but to proceed to their home. These practitioners will however be required to report to their office on their scheduled consultation and preparation day (i.e. 1 day per week).
- f) The extended flexible work arrangement will not be extended to Candidate Legal Practitioners who have less than 6 months' experience due to their specific legal support and supervision requirements.
- g) All practitioners are expected to ensure that where this flexible work arrangement applies to them, they adhere to our minimum working hours for the day. This will require them to

continue with normal work upon their return home from court, should their court duties not extend to a full 7.5 work hours.

2.2 High Court Practitioners (HC)

- a) All HC Legal Practitioners are required to attend to their court work as per the HC roll allocation plan.
- b) HC practitioners will be permitted to report directly to their assigned court on the days that they have been assigned court coverage duty and to return to their home immediately upon the conclusion of their court day on all days that they have court coverage responsibilities.
- c) HC practitioners will only be required to report to the office on 1 day per week, where they do not have any court coverage responsibilities.
- d) All HC practitioners are expected to ensure that where this flexible work arrangement applies to them, that they adhere to our minimum 7.5 work hours per day. This will require them to continue with normal work upon their return home from court where applicable.

3. Civil Practitioners

3.1 Civil Level 1 & 2 Practitioners

- a) All Civil Legal Practitioners are permitted to work from home on 4 days per week, subject to the following conditions:
 - I. They must attend to all their trial and motion matters that are set down for hearing and they can report directly to court on the days that any matter has been set down for hearing;
 - II. They must undertake all necessary attendances/consultations with clients/witnesses that are required to take instructions for the preparation of pleadings/affidavits and documents to meet the required timeframes as stipulated in the rules of court and to properly prepare for trial where a trial date has already been allocated;
 - III. They must be available via email and telephone to attend to any urgent matter relating to a new or existing client that may arise at the office.
- b) All Civil Legal Practitioners must attend the office on at least 1 day per week to attend to the drawing of diary files and files that require attention for the week ahead, deal with all administrative tasks including the provision of work to the Legal Secretary, Admin Officers and Paralegals.
- c) Consultation with clients should ideally still be conducted at the office, subject to the relevant COVID-19 precautions, but where possible, consultations can be conducted telephonically or via Skype or any other technology where client has access to same.

3.2 Paralegals

- a) Heads of Offices (HoOs) will be permitted, where there is more than 1 Paralegal at the office, to rotate Paralegals in such a way that all Paralegals get an opportunity to work from home for 2 days in a week.
- b) Where there is only 1 Paralegal at a Local Office, HoOs must make arrangements to utilise other Legal Practitioners to provide general advice services, so that their Paralegal can work from home for 2 days per week.

- c) All Correctional Centre visits and community outreach activities are suspended with immediate effect until further notice.
- d) Paralegals at Satellite Offices will be permitted to work from home on the days that were utilised for their outreach activities.
- e) HoOs/Legal Managers must ensure that sufficient work is allocated to all Paralegal staff, where practical, to occupy them when they work from home.
- f) Due to the suspension of Correctional Centre visits, the Remand Detainee and High Court Unit Paralegals should assist with the provision of general advice and/or other legal admin activities. They should however also be permitted to work from home for 2 days per week.

4. **Support Staff**

4.1 **Local Office Support Staff**

- a) HoOs will be required to ensure that all support staff at their offices are allowed to work from home for 2 days per week.
- b) The rotation of support staff must be arranged in such a manner that at least 50% of support staff are present at the office on any day of the week.
- c) HoOs must ensure that at all times, our reception and telephone services are not interrupted. This will require the use of other support staff to perform this service when the normally assigned Admin Officer works from home.
- d) HoOs/Admin Managers must ensure that sufficient work is allocated to all support staff, where practical, to occupy them when they work from home.
- e) As a rule, the work from home allowance must not be implemented on consecutive days.

4.2 **Provincial and National Office Support Staff**

- a) Provincial/National Office Executives will be required to ensure that all support staff at their offices are allowed to work from home for 2 days per week.
- b) The rotation of support staff must be arranged in such a manner to ensure that at least 50% of support staff are present at the office on any day of the week.
- c) The relevant manager of support staff must ensure that sufficient work is allocated to all support staff, where practical, to occupy them when they work from home.
- d) As a rule, the work from home allowance must not be implemented on consecutive days.

5. **Managers**

5.1 **Legal Managers**

- a) Legal Managers – Criminal, which includes Supervisory Legal Practitioners (SLPs) and Principal Legal Practitioners (PLPs), will be permitted to report directly to their assigned court on the days that they have been assigned court coverage duty and to return to their home immediately upon the conclusion of their court day on the days that they have court coverage responsibilities (presently 2 days for SLPs and 1 day for PLPs).
- b) In addition, they may work 1 of their allocated office days from home.
- c) Therefore, the maximum work from home days for Legal Managers – Criminal will be:
 - I. SLPs – 3 days (which will include 2 days' court coverage responsibilities).
 - II. PLPs – 2 days (which will include 1 day court coverage responsibilities).
- d) Legal Managers – Civil, which includes SLPs and PLPs, will be permitted to work from home for 2 days per week, subject to these days not being consecutive days.

- e) All Legal Managers who work from home must ensure that they stay in contact with their teams to ensure that the delivery of services to clients is maintained.

5.2 Support Managers (LO/PO/NO)

- a) All Support Managers will be permitted to work from home for 2 days per week, subject to these days not being consecutive days.
- b) Where there is more than 1 Support Manager at the office, then at least 50% of such managers must be present at the office for each work day.
- c) All Support Managers who work from home must ensure that they stay in contact with their teams to ensure that the delivery of support services is maintained and uninterrupted.

5.3 Heads of Offices (HoOs)

- a) HoOs will be permitted to work from home for 2 days per week, subject to these days not being consecutive work days.
- b) All HoOs must ensure that they work from the office every Monday.
- c) The HoO must ensure that a roster is prepared in order to ensure that a Legal Manager is present at the office for every day of the week.
- d) The HoO must also ensure that for 1 day per week, all Legal Managers are present at the office. This day must be decided taking into account the court coverage requirements of Legal Managers.
- e) Where the HoO works from home on a particular day, he/she must assign responsibility to another Legal Manager to be the designated office-based Head. This person will be responsible for staying in touch with the HoO on all issues that arise at the office during the HoO's absence from the office, including any issues relating to COVID-19.

5.4 Provincial/National Office Executives

- a) All PO/NO Executives will be permitted to work from home for 2 days per week, subject to these days not being consecutive work days.
- b) All Executives must ensure that they work from the office every Monday.
- c) The NOE/CLE and the COO/CFO must ensure that they rotate their work from home days so that one of them will always be at the office during this period.

6. Reporting Requirements – Legal Practitioners

- a) All practitioners are required as part of their normal reporting to complete a Matter Activity Report (MAR) for every day of the week.
- b) Where practitioners are permitted to operate directly from home and not report to the office, they must ensure that an image of their completed MAR of each day they operate from home is sent to their manager via email or WhatsApp, so that their Legal Manager can monitor the service delivery of the practitioner.

7. Administrative Requirements – Legal Practitioners

- a) All practitioners will be required to safely keep all completed MARs and LA1 forms for the period that they do not report to the office and to hand this over to their Supervisory or Administration Manager for capturing onto our eLAA system.

- b) A register must be maintained by the practitioner that will record movement of files between home and work.
- c) All practitioners are also required to keep a record of all files that are finalised, and to update this on our eLAA system on their office day.
- d) Normal case file administration must be maintained by practitioners on files that have been worked on whilst they have been permitted to operate from home.

8. Supervision Requirements – Legal Managers

- a) Legal Managers responsible for practitioners who are scheduled to work from home are required to communicate with each practitioner on a daily basis to ensure that:
 - I. all their practitioners are fully prepared for their matters at court for the day;
 - II. they provide advice/support on matters as required;
 - III. they attend to any other issues that require their attention.
- b) All Legal Managers must review the MARs of all practitioners per day to confirm that all courts, both civil and criminal, were properly covered.
- c) Legal Managers must maintain their court observation programme, to ensure the rendering of quality legal services by our practitioners, and particularly to provide legal support to Candidate Legal Practitioners.
- d) The HoO must ensure that the Legal Manager on duty at the office reviews all incoming correspondence/pleadings/documentation.
- e) Correspondence/pleadings/documentation for Legal Practitioners must be emailed to them and followed up with a call/WhatsApp/SMS to alert them to same. Practitioners must acknowledge receipt of such messages to ensure that the necessary legal steps are taken to avoid prejudice to clients.

9. Attending to Walk-in Clients

- a) Paralegals and/or staff should consult with clients to determine if they have urgent matters, or matters where a failure to take the necessary steps would result in prescription, default or substantial injustice to the client.
- b) Where such urgent matters are determined, the Paralegal must proceed to provide the required consultation services, and refer to legal management as necessary.
- c) However, where advice is being sought for non-urgent matters, then the client must be advised to make use of the Legal Aid Advice Line. In this regard such clients must be provided with a briefing note that contains details of our toll-free number (0800 110 110), Please Call Me number (079 835 7179) and web inquiry details (<https://legal-aid.co.za/contact-us/>).
- d) All Paralegals engaging in such client consultations must ensure that they adhere to social distancing guidelines for COVID-19.

10. Legal Aid Advice Line

- a) Noting that our Local Offices and Satellite Offices will only attend to urgent walk-in clients, we expect the number of calls to our Advice Line to increase. Our Advice Line will therefore continue to operate normally during this period.
- b) There will be no change to the working hours of staff at the Legal Aid Advice Line. However, arrangements will be made to ensure that staff operate under safe social distancing conditions.

- c) We are currently exploring options on how our current infrastructure can be extended to allow some of our Call Centre staff to work remotely.

11. Travelling to Courts

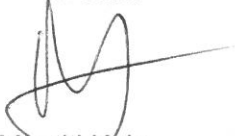
- a) Practitioners who operate directly from home as part of this extended flexible work programme will be required to utilise their own transport to and from courts.
- b) Where practitioners do not have their own transport they must report to our offices to book a vehicle to travel to court.
- c) HoOs may in some circumstances consider allocating a vehicle overnight to a staff member, provided that this is done in terms of our policy, and the allocation of this vehicle will not compromise other service delivery requirements.

12. General Provisions

- a) All staff working from home must provide a mobile number where they can be contacted by phone, WhatsApp or SMS.
- b) Staff working from home must be contactable by their managers during working hours.
- c) HoOs/Executives will be permitted to deviate from these guidelines in exceptional circumstances, provided such deviations are made in consultation with their immediate Executive.
- d) The use of pool vehicles: vehicles are to be cleaned at least once a day with a disinfectant product. Focus should be on objects of the vehicle which are frequently touched, such as door handles, the steering wheel, armrests and seatbelts.
- e) Reception areas: a disinfectant product must be used frequently to ensure good hygiene.
- f) Any abuse in the implementation of this extended flexible work programme shall constitute a disciplinary offence, and will be subject to our disciplinary code.
- g) This extended Flexible Work Programme may be revoked for any employee at the discretion of the employee's manager.

13. Implementation of these Guidelines

- a) **These guidelines will come into operation on Monday, 23 March 2020.**
- b) These guidelines will be reviewed from time to time, and all changes will be communicated to staff.



Ms Mantiti Kola
Chief Executive Officer