

TERMS OF REFERENCE OF THE CASE FLOW MANAGEMENT MONITORING COMMITTEE – KWAZULU-NATAL

1. Purpose

The purpose of these Terms of Reference is to give direction on the content, mandates, rules and procedures on how the Case Flow Management Monitoring Committee should be managed.

2. Background

The concept of the Case Flow Management Monitoring Committee ...

3. Membership

The Committee is made of the following members:

- Ø The Judiciary
- Ø Prosecution
- Ø Court Services
- Ø SAPS
- Ø LAB
- Ø Correctional Services
- Ø The Law Society

The Chairperson of the Committee is the Regional Court President or his proxy. The Deputy Chairpersons are the two Chief Magistrates of Durban and Pietermaritzburg.

4. Mandate of the Committee

The Committee is a Sub-Committee of the Provincial Integrated Justice Forum; its mandate is to monitor the implementation of Case Flow Management and all projects that are aimed at improving the functioning of the courts.

5. Objectives of the Committee

In relation to-

Case Flow Management-

- Ø Ensure that Local Case Flow Management Committees are established and are running smoothly;
- Ø Ensure that Case Flow Management Plans are developed by all Local Committees;
- Ø Escalate matters that are perceived to be a hindrance to proper Case Flow Management and an effective criminal justice system to the PIJF

Projects-

Monitor the smooth implementation of the following programmes:

- Ø E-scheduler
- Ø JDAS
- Ø Digital Court Recording System
- Ø Appointment and training of Court Clerks
- Ø Video Postponement and any other projects

Statistics-

Monitor and study statistics for the province and:

- Ø Decide on the appropriate set of statistics to be kept;
- Ø Identify discrepancies and concerns;
- Ø Advise on action to be taken eg backlog project etc
- Ø Identify a functionary to collate statistics at court level
- Ø Oversee the establishment of a Provincial Operations Centre

6. Meeting guidelines and Procedures

6.1 Definition of roles

6.1.1 Chairperson

The responsibilities of the Chairperson are to:

- Ø Convene meetings of the Committee

- Ø Facilitate and ensure that the Committee carries out its mandate;
- Ø Study and analyze reports received from the Local Case Flow Management meeting throughout the province;
- Ø Ensure that there is an integration of activities with the PIJF and other sub-committees eg the Child Justice Forum, the Overcrowding Committee etc;
- Ø Submit regular report on the work of the Committee to the PIJF
- Ø Develop guidelines/Terms of reference for the Local Case Flow Management Committees

In the event that the Chairperson or proxy is unavoidably absent from the meeting or delayed, the Deputy Chairperson will chair the meeting on his behalf.

6.1.2 The role of the Secretariat

The secretariat services of the Committee shall be provided by the Regional Office of the Department of Justice and Constitutional Development. The secretariat will be responsible for convening meetings and supporting members of the Committee by issuing notices, writing reports, preparing the agenda, compiling and the distributing minutes to the members.

The role of the secretariat is also to monitor, track and implement all the decisions taken by the Committee. Reports on progress on decisions will be provided at each meeting.

Case Flow Management Monitoring Committee Procedures

7.1 Case Flow Management Monitoring Committee Meetings

The Committee will meet quarterly two weeks prior to the PIJF meetings. Times and venue will be informed by the schedule of meetings.

7.2 Attendance of meetings

Attendance of meetings takes priority over all other commitments, apart from unavoidable commitments. The attendance of meetings is limited only to members of the Committee. In cases where a member is unavoidably absent from the meeting, he/she may send a representative to sit on his/her behalf in a meeting.

The Chairperson may invite other Heads of Clusters and representatives from other departments to address issues pertinent to their department and officials from national departments to do presentations of issues pertaining to the mandate of the Committee or to lend technical expertise to any relevant issue under discussion.

7.3 Quorum

The quorum for the meetings is half the full membership of the Committee plus one other person.

7.4 Agenda setting process

The Agenda for the CFMMC will be informed by the Programme of Action for the JCPS Cluster and the Annual Action Plan of the Committee. These will be regarded as standard items on the Agenda and members will report progress/challenges experienced on the said items at each meeting and decisions on the way forward will be taken by the members of the Committees.

Members are free to submit new items on the Agenda to the secretariat up to a week before the next meeting. The secretariat will draw up the final Agenda in consultation with the Chairperson and his/her Deputy.

7.5 The manner of presentation of items

- Ø Verbal progress reports on standing items of the agenda;*
- Ø Written submission of new items to provide the secretariat with full background information on the matter to be taken up with the relevant authority;*
- Ø Matters will only be removed from the Agenda once they have been dealt with to the satisfaction of the Committee members*

7. Report to the PIJF

The Chairperson or his proxy will report to the PIJF on the work of the Committee.

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