



JUDICIAL SERVICE COMMISSION



**MONITORING AND EVALUATION
GUIDELINES**



A ZIMBABWE IN WHICH WORLD CLASS JUSTICE PREVAILS !



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FOREWORD

In the modern world, there has been a notable shift in the manner in which business is done, even by Government entities. Results-based performance is now the driving force behind the operations of entities. For this to be achieved, there is need to constantly and systematically supervise, monitor and evaluate processes, systems and operations.

These Monitoring and Evaluation Guidelines have been designed to enhance efficiency and effectiveness which are key in the proper administration of justice. Through a transparent and systematic laid down format of tracking the performance of courts and departments, the Guidelines provide a clear framework for strengthening the quality of service provided to the public by the Judicial Service Commission.

Drawn from the broader National Monitoring and Evaluation policy which was launched by the President in 2015 and revised in April 2020, the guidelines are a demonstration of our commitment to equip users of these guidelines with a toolkit for monitoring and evaluating work and using the results, to drive performance from the district level right up to the national level.

These Monitoring and Evaluation Guidelines will facilitate the improvement of the quality of the work delivered by the courts and departments, and effect a more consistent implementation of policies which will bring us closer to achieving a *Zimbabwe in which world class justice prevails!*

W.T. Chikwana

Secretary, Judicial Service Commission of Zimbabwe





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CHAPTER 1

BACKGROUND

The Judicial Service Commission's Monitoring and Evaluation Policy is underpinned by the Government of Zimbabwe's National Monitoring and Evaluation Policy. The policy which was launched in 2015, was revised and launched by His Excellency, President E. D. Mnangagwa in April 2020. The importance of Monitoring and Evaluation of court process cannot be overemphasised. It is government policy, as it is necessary to ensure that organisations, especially public institutions such as the Judicial Service Commission are able to fulfil their mandate in an efficient and effective manner.

Giving his foreword when the first National Monitoring and Evaluation Policy was launched in 2015, the then President of Zimbabwe, His Excellency Robert Gabriel Mugabe, commented as follows:

“A results oriented public sector that is geared towards contributing to sustainable development, economic growth and the well-being of citizens in an efficient and effective manner requires a well-defined framework that outlines clearly the guidelines for assessment of outputs, outcomes and impact of Government programmes and project priorities within stipulated times” (Zimbabwe National Monitoring and Evaluation Policy-Foreword at iii)

These remarks were repeated with equal force by His Excellency, President E.D. Mnangagwa when he launched the revised edition of the National Monitoring and Evaluation Policy in April 2020 when he stated as follows:

“It is therefore imperative to have strategies for monitoring and evaluating all public policies, action plans, programmes and projects to ensure that they achieve desired results in a timeous manner and within the limits of resources at our disposal.”

Section 9 (1) of the Constitution of Zimbabwe, 2013 provides that, *“The state must adopt and implement policies and legislation to develop efficiency, competency, accountability, transparency, personal integrity and financial probity in all institutions and agencies of Government at every level and every public institution....”*

The Judicial Service Commission's Policy on Monitoring and Evaluation is drawn from the broad National Monitoring and Evaluation Policy of the Government of Zimbabwe. While the Government document does not include in specific terms, the area of supervision, a reading of the policy document clearly shows that the principles of supervision are included under the areas of monitoring and evaluation. The Judicial Service Commission has, however, decided to specifically include supervision in its Monitoring and Evaluation Policy as a separate area because of the nature of the operations of the courts. It is important that supervision is dealt with as a specific area.



The National Monitoring and Evaluation Policy seeks to identify actors who are required to implement the Policy and those who are given roles and responsibilities in the same regard. These are identified as the Executive, the Legislature and the Judiciary. (See pages 12 to 15 of the Policy document). The roles and responsibilities of the Judiciary are described as those that are mandated by the Constitution.

The Policy developed by the Judicial Service Commission is, therefore, drawn from the National Policy of Government and applies specifically to the Judiciary and the Judicial Service Commission. The National Monitoring and Evaluation Policy of Government is also based on a Result Based Management (RBM) System, which public sector agencies are expected to embrace. The Judicial Service Commission has already done that through its own unique way, including the development of a home grown performance management system which has been in use since 2018.

THE JUDICIAL SERVICE COMMISSION OPERATIONS

The Judicial Service Commission is a huge set-up that consists of a total of eleven (11) departments, namely;

- (i) The Magistracy
- (ii) Superior Courts
- (iii) Master of the High Court
- (iv) Sheriff of the High Court
- (v) Finance
- (vi) Administration
- (vii) Procurement
- (viii) Audit
- (ix) Information and Technology
- (x) Human Resources
- (xi) Policy and Legal

The departments perform various functions that are meant to fulfil the constitutional mandate of the organisation as stated in Section 190 of the Constitution which provides as follows:

- (1) *The Judicial Service Commission may tender advice to the Government on any matter relating to the judiciary or the administration of justice, and the Government must pay due regard to any such advice.*
- (2) *The Judicial Service Commission must promote and facilitate the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice in Zimbabwe, and has all the powers needed for this purpose.*
- (3) *The Judicial Service Commission, with the approval of the Minister responsible for justice, may make regulations for any purpose set out in this section.*
- (4) *An Act of Parliament may confer on the Judicial Service Commission functions in connection with the employment, discipline and conditions of service of persons employed in the Constitutional Court, the Supreme Court, the High Court, the Labour Court, the Administrative Court and other courts.*



Section 191 provides as follows:

“The Judicial Service Commission must conduct its business in a just, fair and transparent manner.”

And Section 165 provides for principles guiding the Judiciary which are as follows:

- (1) *In exercising judicial authority, members of the judiciary must be guided by the following principles—*
 - (a) *justice must be done to all, irrespective of status;*
 - (b) *justice must not be delayed, and to that end members of the judiciary must perform their judicial duties efficiently and with reasonable promptness;*
 - (c) *the role of the courts is paramount in safeguarding human rights and freedoms and the rule of law.*
- (2) *Members of the judiciary, individually and collectively, must respect and honour their judicial office as a public trust and must strive to enhance their independence in order to maintain public confidence in the judicial system.*
- (3) *When making a judicial decision, a member of the judiciary must make it freely and without interference or undue influence.*
- (4) *Members of the judiciary must not—*
 - (a) *Engage in any political activities;*
 - (b) *Hold office in or be members of any political organisation;*
 - (c) *Solicit funds for or contribute towards any political organisation; or*
 - (d) *Attend political meetings.*
- (5) *Members of the judiciary must not solicit or accept any gift, bequest, loan or favour that may influence their judicial conduct or give the appearance of judicial impropriety.*
- (6) *Members of the judiciary must give their judicial duties precedence over all other activities, and must not engage in any activities which interfere with or compromise their judicial duties.*
- (7) *Members of the judiciary must take reasonable steps to maintain and enhance their professional knowledge, skills and personal qualities, and in particular must keep themselves abreast of developments in domestic and international law.*

The departments in the Judicial Service Commission are meant to enhance the administration of justice in the country. Every member of the organisation in the various departments, irrespective of the position held or functions thereof, have a responsibility to ensure that this objective is fulfilled.

The departments carry out two distinctive functions and thus, may be divided into two areas of operation namely, support services and court services. The manual is, however, focusing on court services.



COURT SERVICES

There are four (4) departments that carry out the key and core functions of the organisation and these are referred to as court operations. The departments that perform the court services are as follows:

- (a) The Superior Courts which consist of:
 - i. Constitutional Court
 - ii. Supreme Court
 - iii. High Court
 - iv. Labour Court
 - v. Administrative Court
- (b) The Magistrates' Courts
- (c) The Master of High Court
- (d) The Sheriff

The Superior Courts and the Magistrates' Courts perform the function of adjudication of matters that are brought before the courts.

The Master of High Court administers three important administration of justice areas which are:-

- (a) Administration of deceased estates;
- (b) Insolvency;
- (c) Guardian's Fund.

The Sheriff's office is created by Section 55 of the High Court Act [Cap. 7:06] and performs its functions in terms of Order 40 of the High Court Rules, 1971. The functions in a nutshell include the service of High Court processes and enforcement of orders that come out of the High Court.

The four departments justify the existence of the Judicial Service Commission for, without them, there would be no such organisation. It is critical that all the officers in those departments perform their duties efficiently and with reasonable promptness as stated in Sections 165 (1) (a) and (b) of the Constitution.

All the other departments are there to provide support services to the core operational departments. It is through these support services departments that the courts will become efficient and effective. Without this critical support, the efficiency of the courts would be compromised. The key issues that guide the operations of all the departments in the Judicial Service Commission are provided in Section 165 that is,

- (a) *Justice must be done to all, irrespective of status and*
- (b) *Justice must not be delayed and, to that end, members of the Judiciary must perform their judicial duties efficiently and with reasonable promptness.*
- (c) *The role of the courts is paramount in safeguarding human rights and freedoms and the rule of law.*

THE STRATEGIC PLAN

The Judicial Service Commission has a strategic plan that guides it to fulfil the constitutional requirements stated in various provisions of the Constitution. The importance of the strategic plan cannot be overemphasised.



- It provides guidance and directions on where the organisation intends to go and how it intends to arrive at its destination.
- It is the compass that guides the members of staff on how to perform their functions in order to meet the aspirations and objectives of the organisation.

The current Judicial Service Commission strategic plan is for the period 2021 – 2025.

Each member of staff must have a copy of the strategic plan. It is this document that informs the strategy and the manner in which members of staff are to apply themselves at work. It is, therefore, important that members have an appreciation of the Judicial Service Commission strategies and how each member is to contribute towards implementing those strategies.

The key areas in the strategic plan are as follows:-

- (a) **Vision** – *“A Zimbabwe in which world class justice prevails!”*
- (b) **Mission** – *“In accordance with the laws of Zimbabwe and best practice, to promote the maintenance of a transparent, accountable and independent judiciary, and provide administrative support to the judiciary for an efficient and effective justice delivery system that inspires public trust and confidence in the rule of law.”*
- (c) **Core values**
 - (i) *Independence*
 - (ii) *Fairness*
 - (iii) *Professionalism*
 - (iv) *Accountability*
 - (v) *Accessibility*
 - (vi) *Transparency*
- (d) **Founding Principles**
 - (i) *Accessible justice for all*
 - (ii) *High quality service to the public*
 - (iii) *Performance culture*
 - (iv) *Competent judicial service*

For the Judicial system to be considered world class it must achieve excellence. This is what the Judicial Service Commission Zimbabwe wants to achieve. The following key attributes are evident in the world’s best judiciaries:

- (i) **Accessibility** – Courts should be opened and be accessible to the public in terms of physical location, public areas and facilities. The cost of justice should not be prohibitive. Facilities for “special needs” groups, including people with disabilities and minors, should be easily available.
- (ii) **Efficiency** – Proceedings should be conducted expeditiously, minimising delays that cause injustice and hardships.



- (iii) **Transparency** – This includes fairness and impartiality. Proceedings and interactions with the courts should be transparent, with all parties being treated equitably and provided with due process under the law.
- (iv) **Independence** – The courts should operate independently and be held accountable for safeguarding the rule of law.
- (v) **Professionalism** – Courts should be well managed with effective planning and performance management systems, cases should be presided over by professional as well as well-trained and well compensated judiciary staff.

(e) **STRATEGIC GOALS AND OBJECTIVES**

The Judicial Service Commission has developed key strategic goals that must be achieved. Every member of the Judicial Service must be aware of these strategic goals and work in his or her own way within the sphere of his or her duties to contribute in achieving these strategic goals. The goals are as follows:

- (a) To attain financial autonomy and sustainability of the JSC by mobilising adequate financial, infrastructural or technological resources to support the implementation of its strategic plans and operations.
- (b) To consistently deliver accessible justice and quality services to all court users and stakeholders.
- (c) To develop and automate a comprehensive set of internal control systems and standard operating procedures.
- (d) To build a competent (skilled, equipped, motivated and performance-driven) Judicial Service that is always learning.
- (e) To adhere to the highest standards of corporate governance, policy and planning, results-focused implementation and effective monitoring and evaluation of programmes.

MONITORING AND EVALUATION SYSTEMS

To achieve the mandate set out in the Constitution and the goals, including strategies, captured in the Strategic Plan, the Judicial Service Commission has come up with an elaborate but comprehensive system of monitoring and evaluation of its processes.

This is important because one cannot talk of excellence or world class when one is not supervising members of staff, when one is not constantly monitoring the operations and when one does not carry out regular evaluation of one’s operations to assess whether one is still within the direction one wants to go, check for gaps that affect operations which require to be plugged and identify areas of weakness that would require improvement and areas of strength that would require to be enhanced or consolidated.

The system of, monitoring and evaluation of operations should be a regular feature, a regular occurrence and an everyday activity in the organisation.

It is important for those being supervised to be aware that there are eagle eyes every time checking on how they are performing.



Equally important is for the supervisors to be aware of their obligations and management responsibilities of monitoring the areas of their responsibilities. This key imperative applies to officials such as the heads of courts when they supervise the judicial officials in their courts and monitor and evaluate operations in their courts; the Chief Justice when he oversees the operations of the Judiciary; the Secretary when he superintends over administrative issues in the organisation; as well as heads of departments, of provinces or stations. They must have a clear and concise presence of mind of what the organisation expects of them in the areas that they supervise.

THE CONCEPT

(i) SUPERVISION

It is difficult to come up with one clear description of supervision as it takes into account so many aspects. In the literal sense, supervision entails overseeing the manner and way in which one applies themselves as they oversee the operations, in our case, of the courts or the areas in which one is operating. Supervision also includes developing and supporting members of staff and their operations.

- Supervision is a management tool which impacts on the results of the organisation. It is, therefore, important that the supervisor has the required competences to carry out their role effectively.

(ii) MONITORING

Monitoring constitutes a periodic assessment of the operations of the courts or other activities which involve the Judicial Service Commission, such as the Sheriff, Master of the High Court, Finance Department, Audit, Procurement and others.

- This assessment is undertaken to evaluate the success or otherwise of operations in meeting the strategic goals of the organisation. For example, to ensure the backlog of cases is kept under check in the courts, or whether debtors are being paid timeously by Finance or whether effective audits of stations are being performed as per Audit Charter by the Audit Department.
- Monitoring is also a useful tool for the management to establish the status of operations so as to implement the necessary interventions or management decisions.

When a supervisor performs a monitoring exercise he/she must select certain activities that are in line with the operations of the area under monitoring and analyse the information available. For example, if the activity is court starting time, whether the court is starting at 0830 hours as per standard operating procedure, the supervisor will analyse the daily court returns and magistrate's diary to see whether there is compliance with the court starting time requirement. Another example is on daily banking of revenue. The supervisor will always analyse the cash book, remittance register and copies of bank deposit slips, so as to assess whether daily banking of revenue is taking place.

(iii) EVALUATION

Evaluation involves a process of assessing at some point the impact of the work performed and the extent to which stated objectives have been met.



- It involves a retrospective analysis of work and its impact on the operations.
- It concerns itself with whether the objectives have been achieved and any impact has been made. For example, if the objective was backlog reduction and this was to be achieved by having not more than ten (10) partly-heard cases at a time, by ensuring that court starts at 0830 hours or ensuring that matters are not unnecessarily postponed, then the success of all this is evaluated by assessing the impact, that is has the backlog been decreased as a result of the evaluation that was performed in that given period.
- The same applies to the Master of High Court. The idea may be to finalise non-complex deceased estates within a period of six months from date of registration. The work that is done to achieve this involves the holding of edict meetings and appointment of executors within certain specified periods, the strict supervision of executors in terms of complying with timelines. The impact of this work is measured in terms of the number of non-complex files closed within six months of the files being opened.

A combination of an effective monitoring and evaluation system in the Judicial Service Commission will enhance the performance of its members and the operations of the Judicial Service Commission. It ensures that the Judicial Service Commission achieves its constitutional mandate of dispensing justice expeditiously.

Who therefore is required to carry out these supervisory functions?

OVERALL SUPERVISORS

1. PARLIAMENT

The Judicial Service Commission is required to present a report to Parliament in terms of Section 323 of the Constitution, in which it accounts to Parliament by outlining its activities during the preceding year. This report is debated in Parliament. The Judicial Service Commission is held to account by Parliament in this regard.

2. THE JUDICIAL SERVICE COMMISSION

The Judicial Service Commission carries out this role as the board that superintends over all Commission activities. The Secretary presents a report at each of the Commission's scheduled meetings. Through this report, the Secretary accounts to the Commission on what transpired in the organisation during the period under review. The Judicial Service Commission makes policy decisions for implementation and monitors such implementation.

3. THE CHIEF JUSTICE

The Chief Justice is the head of the Judiciary and Chairperson of the Judicial Service Commission. All Heads of Courts account to him in terms of the performance of their courts and staff including Judicial Officers. The Secretary also accounts to him on all administrative issues taking place in the organisation.



4. **THE SECRETARY**

The Secretary carries out supervisory functions on all administrative functionaries of the organisation. He/she is assisted by the two deputies; one being in charge of support services, while the other is in charge of policy and legal services (court services).

5. **HEADS OF COURTS**

The Heads of Courts supervise their courts. The Judge President of the High Court presides over the High Court, while the Senior Judge is in charge of the Labour Court, another Senior Judge oversees the Administrative Court and the Chief Magistrate oversees the Magistrates' courts.

6. **HEADS OF DEPARTMENTS**

Each department has a head who is in charge. It is the responsibility of that head to supervise, monitor and evaluate the operations and performance of staff in that department. To do this they are assisted by Deputy Managers, Registrars, Deputy Registrars, Deputy Chief Magistrate, Senior Regional Magistrates, Provincial Heads, Resident Magistrates, Provincial Accountants, Chief Court interpreters, Deputy Sheriff, Additional Master and others.

7. **HEADS OF PROVINCES**

Heads of Provinces are in charge of the stations in that province and carry out Monitoring and Evaluation of these stations. These include Provincial Magistrates in charge of a province, Provincial Accountants, Senior Additional Sheriffs in charge of a province and Divisional Heads in it. Other Supervisors who fall in the same category are Registrars of Courts, Deputy Masters and others.

8. **STATION HEADS**

These are supervisors in charge of stations. They carry out their Monitoring and Evaluation mandate in respect of members of staff of that station. These include Resident Magistrates, Additional Masters of the High Court, Deputy Registrars, Additional Sheriffs and others

9. **OFFICE SUPERVISORS**

Supervisors may be appointed to superintend over a section of staff at a station. Examples are Supervisors in the criminal appeals and civil appeals sections at the High Court Registry, Principal Executive Assistants, Principal Transcribers, Interpreters, Principal Assistant Masters, Chief Interpreters and others.

Any member of staff who holds a supervisory role is required to carry out Monitoring and Evaluation visits regularly. The Secretary must establish a team that visits provinces to inspect the organisational operations, to identify areas of weakness and gaps, as well as to provide solutions and to also note the strength and success for purposes of consolidation.



It must be emphasised that these visits must not only be exhaustive, but must also be effective. Immediately after every visit a report should be made to the immediate supervisor on the outcome and findings of the visit including the interventions done to improve and enhance operations.

TARGETED AREAS

When a Monitoring and Evaluation visit is conducted, it is important for it to be focused and to have an appreciation and awareness of the areas to be assessed. The following areas are important but are not necessarily exhaustive.

(a) WORKLOAD

As a Supervisor one needs to assess the workload at the station for example in the Trial Court, Remand Court, Civil Court and the general backlog at that court. Various tools are used to assess the workload, including Criminal or Civil Record Books (CRB), record files, record movement register, station or individual returns, among others.

(b) OPERATIONS

This is an assessment of how effective and efficient the operations at the station are. One assesses efficiency in areas such as appeals, reviews, scrutiny work, audit, circuit courts and provision of tools of the trade, like motor vehicles, stationery and other equipment.

(c) FINANCE

One assesses the management of the organisation's finances at the station. They include issues such as receipting, financing, audit observations, segregation of duties, banking, reconciliations and others.

(d) STAFF WELFARE

Human resources are the most important resource that an organisation requires for its success. One may have all the other facilities that are required to succeed as an organisation but, without skilled, well remunerated and motivated human resources, chances of success may be limited. The welfare of staff should be ensured by providing them with tools of trade, provisions, furniture and equipment. Their good work should be praised or complimented, while they are trained to appreciate and deal with various challenges.

These four are the most important areas that must be attended to by managers and supervisors during a monitoring and evaluation visit. These are the areas that will be the focus of the guidelines for each of the courts.



CHAPTER 2

SUPERIOR COURTS

1. INTRODUCTION

This Chapter highlights the four major areas that the Registrars of a court should look at when conducting the monitoring and evaluation exercise at each court, namely **Operations, Workload, Finance and Staff Wellness**. However, staff wellness applies to all courts. The Constitutional Court, Supreme Court and Administrative Court use the High Court for their finances. The Administrative Court also relies heavily on the High court for its operations. Some of the areas are consolidated to avoid repetition.

1.1 CONSTITUTIONAL AND SUPREME COURT OF ZIMBABWE



The operations of the Constitutional Court and the Supreme Court are similar in a lot of respects thus they have been consolidated to avoid repetition. Those operations of the Supreme Court which are different will be discussed last.

APPEALS, COURT APPLICATIONS AND CHAMBER APPLICATIONS

1.2 COURT INDEX BOOK (CONSTITUTIONAL AND SUPREME COURT)

This is the register where details of all matters (appeals and applications) received by the Constitutional Court and Supreme Court are entered. The register is the master index book and is updated as and when matters are finalised.

Inspection involves checking the following:

- If case numbers are being allocated in chronological sequence;
- If the names of parties are being entered as they appear on the papers;
- If the date of filing is indicated, the cause of action is entered for each file, with reference case numbers for files from the lower court or tribunal being indicated;
- If the lawyers for the appellants, applicants and respondents have been endorsed; and
- If outcome of matters are being endorsed, once matters are finalised.

1.3 RECORDS AND INFORMATION CHAMBER BOOK

This is the register which is used for referring chamber matters to Judges once they are ready for set down.

Inspection involves checking:

- If the case numbers and details of the parties are entered correctly;
- If the date of referral and the name of the Judge to whom the file is being referred are entered;
- If the clerks who collect the records on behalf of the Judges are signing for the files;
- If outcomes/queries are being endorsed in the register with the date of outcome or query being noted;
- If all the names of the Judges are endorsed in order of their seniority; and
- If allocation of cases is being handled fairly amongst the Judges.

1.4 URGENT CHAMBER APPLICATIONS REGISTER

This is the register used for referral of urgent chamber applications to Judges. Inspection involves checking:

- If details of cases, names of the Judges the matter is referred to, the date of referral and outcome of the matter are all entered; and
- Evidence that files are being placed before Judges urgently.

1.5 FILE TRACKING REGISTERS FOR APPEALS AND APPLICATIONS

This register contains details of the movement of files between offices. Staff members use these each time a file is transferred to other offices.



Inspection involves checking:

- If details of when files are transferred to other offices are entered and signatures of recipients are endorsed;
- Date when file is returned and signature of recipient; and
- Evidence of follow-ups of long outstanding files.

1.6 ORDER AND JUDGMENT BOOK

The register records the parties uplifting orders issued and judgments handed down in court on a particular day.

Inspection involves checking:

- If details of parties who collected the order are endorsed and signatures are appended for each order or judgment;
- If the serial number for orders collected are endorsed; and
- Date when order or judgment is uplifted.

1.7 ASSETS REGISTER/INVENTORY

This is the register where all assets at the station are recorded.

Inspection involves checking:

- If all assets at the station are recorded in the assets register; and
- Whether the inventory in each office tallies with what is recorded in the assets register.

1.8 MOTOR VEHICLE MAINTENANCE REGISTER

This is the register in which details of the general maintenance of vehicles is entered.

Inspection involves checking:

- If details about fuel requests are being entered, the mileage at each request being commensurate with the fuel allocated at the last request, and the serial numbers of coupons being endorsed;
- Whether details of motor vehicle service are being entered correctly; and
- If the mileage of pool vehicles is being recorded after each use.

This helps to identify if vehicles are not being abused or neglected.

1.9 STATIONERY REGISTER

This is the register where details about stationery used at the station are entered.

Inspection involves checking:

- If members of staff sign for stationery allocated to them;



- If the register is updated to show incoming stationery and balances are recorded after each issuance; and
- If stationery is being allocated fairly to members of staff.

1.10 ATTENDANCE REGISTER

This register records the arrival and departure of staff members.

Inspection involves checking:

- If members of staff are logging in and logging out every day within the stipulated operating times; and
- If the Registrar is checking the register by appending his signature daily at 0745 hours.

1.11 CORRESPONDENCE REGISTER

This is the register in which details about all mail received is entered before it is taken for electronic capturing and submission to the Registrar.

Inspection involves checking:

- If the date, author, recipient and subject matter of mail are entered in the register; and
- If the Registrar has signed for the mail on the same date.

1.12 MONITORING AND SUPERVISION

Every Registrar is obliged to meaningfully check registers at least once a month.

Inspection involves checking:

- If this checking is being done, with meaningful comments being followed up and whether dates of checking are indicated.

1.13 STAFF PERFORMANCE

This involves checking on the performance of staff members.

This is done by checking if performance management is being conducted by means of target setting at the beginning of the year, mid-year performance review and performance appraisal at the end of the year.

Registers can also be used to measure how staff members are performing, while using the rate of compliance with the correct maintenance of registers.

1.14 COURT PREMISES

The courthouse should be well maintained and clean.

Inspection involves checking:

- Whether the court yard is well-maintained;



- Whether the courtrooms, judges' chambers and offices are clean; and
- Whether the infrastructure and assets are well-maintained and in a good state of repair.

1.15 PUBLIC RELATIONS

This involves good management on the part of the courts in terms of their relationship with members of the public. Their feedback is important as it shows areas where there is need for improvement.

Inspection involves checking:

- Comments in suggestion boxes and feedback registers and checking if suggestions are being attended to; and
- The correspondence register to see if letters are responded to timeously, as well as checking if public inquiries and queries are being attended to.

1.16 SUPREME COURT

1.16.1 CIRCUIT COURT

The Constitutional and Supreme Courts' operations differ in relation to circuit courts. The Constitutional Court does not have circuit courts whereas the Supreme Court goes on circuit three times per year in Bulawayo.

1.16.2 CIRCUIT COURT REPORTS REGISTER

This is the register where reports about circuit court operations are entered. After every circuit court, the Registrar is obliged to do a station visit report detailing the court outcomes. The register should also contain a station visit report which details the state of operations and statistical report at the circuit station.

Inspection involves checking:

- If statistical reports for each circuit are filed;
- If station visit reports for each station visit are filed; and
- The register of all matters filed at the Bulawayo registry and their status.



2 WORKLOAD CONSTITUTIONAL COURT



2.1 COURT APPLICATIONS AND APPEALS

For all applications and appeals heard in court, there must be daily and monthly returns prepared by the Registrar.

2.1.1 DAILY STATISTICAL REPORT

Inspection involves checking:

- The availability of daily court outcome memoranda;
- Whether reasons have been given for matters struck off the roll, postponed *sine die* or removed from the roll;
- Monthly statistical reports and quarterly reports to analyse trends in the workload; and
- The use of practice directions.

2.1.2 MONTHLY STATISTICAL REPORT

Inspection involves checking:

- The availability of monthly statistics;
- If the statistics are verified by the Judges;
- If statistics are submitted to the Chief Registrar timeously; and
- Clearance rate against the number of pending files to suggest interventions in the event of backlog.

2.2 URGENT CHAMBER APPLICATIONS

All urgent chamber applications are recorded in an urgent chamber book and referred to the Chief Justice for hearing or allocation.



Inspection involves checking:

- If details of cases, name of Judge the matter is allocated to, the date of referral and outcome of the matter are all entered;
- Evidence that applications are being placed before the Chief Justice urgently; and
- If all urgent matters have been finalised.

2.3 RESERVED JUDGMENTS REGISTER

This is the register where details of reserved judgments are entered.

Inspection involves checking:

- If the details of cases are entered fully, the date when judgment was reserved is entered, the names of the bench that heard the matter, the name of the Judge responsible for writing the judgment, the judgment number and result once judgment is out; and
- Evidence of follow-ups on long outstanding judgments in the form of reports to the Chief Registrar.

3 STAFF WELFARE (Applicable to all Superior Courts)



Employees are the best assets of every organisation, hence this aspect applies to all the Superior Courts; that is the **Constitutional Court, the Supreme Court, the High Court, the Labour Court and the Administrative Court.**

3.1 HUMAN RESOURCES

- Check whether individual staff files are in place and are being updated.
- Check adequacy of staff, in terms of numbers versus the workload.
- Check number of persons in various posts against information in HR records and staff returns and if such registers are being regularly updated.
- Check people occupying a position and their qualifications, and whether members of staff are well-placed in the department for optimum performance.
- Check any grievances or queries and how same were addressed.
- Check if there are any training programmes aimed at staff development and capacitation.
- Check if there is a staff vacation leave forecast and if it is being followed.
- Check if proper procedures are being followed in application and approval of leave or off days by members.
- Check if there are any disciplinary proceedings and their management.
- Check if all internal vacancy notices are being circulated to all staff members.

3.2 MEETINGS WITH STAFF

- Check if meetings are being held at least once a month.
- Check availability of minutes of meetings.
- Analyse issues discussed at meetings and see if any follow-ups were made on issues of concern raised at the meetings.

3.3 STAFF PERFORMANCE

- Check if all members of staff signed their performance contracts.
- Check if performance reviews are being done within the stipulated times.
- Check what action has been taken to address shortcomings identified to assist the members of staff during performance reviews.

3.4 TOOLS OF TRADE

- Check if there are adequate tools of trade for use.
- Check on the status of the tools of trade and the general condition of the furniture.
- In the case of any deficiencies, check what the head of station has done to address them.
Check on the availability of relevant statutes; for instance court Rules, Acts and practice directions.
- Check if there is adequate stationery for members of staff.
- Check if there are any training programmes aimed at staff development.

3.5 PROVISIONS

- Check if provisions are being distributed on time.
- Check provisions register which must contain names of all staff members.

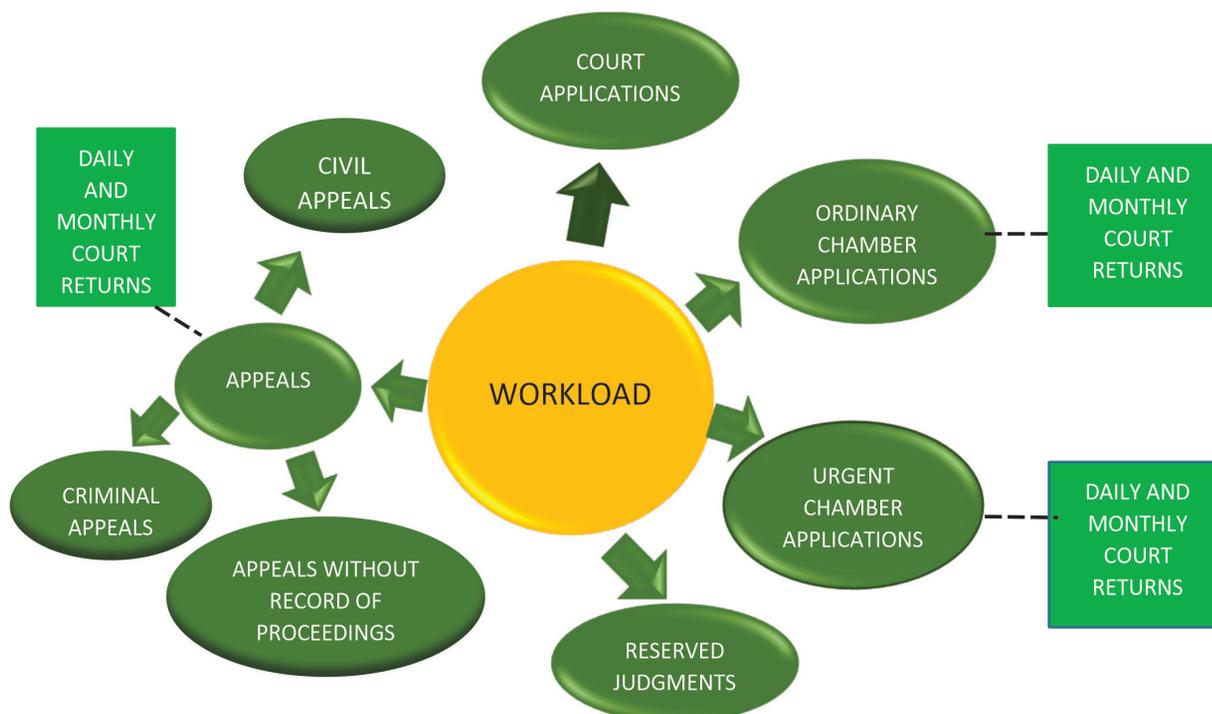


- Check on the nature and quantities of monthly provisions being allocated.
- Check if each member of staff has received their allocated provisions and have signed for them.

3.6 COURT AMBIANCE

- Check on the general operating environment and outlook of the office space.
- Check on the state of cleanliness of the offices and surrounding environment.
- Check on the general condition of the building.

4. SUPREME COURT WORKLOAD



4.1 STATISTICAL REPORTS

These capture the performance of the court at any given time.

- Check availability of daily returns, monthly statistical reports and quarterly reports to analyse trends in the workload.
- Check use of practice directions.

4.2 APPEALS

- Check on the number of appeals received each month against those completed by Judges and Registrars.
- Check if schedules of appeals with notices only are being done weekly.
- Check on the availability of weekly and monthly statistics.

4.3 COURT APPLICATIONS

- Check on the number of applications received each month against those completed by Judges and Registrars.
- Check on the availability of weekly and monthly statistics.

4.4 ORDINARY CHAMBER APPLICATIONS

- Check the register for received processes and whether matters are being referred.
- Check if files are being actioned in terms of the Rules and whether queries are being followed up in terms of Practice Directive 2 of 16.
- Check on the availability of weekly and monthly statistics.

4.5 URGENT CHAMBER APPLICATIONS

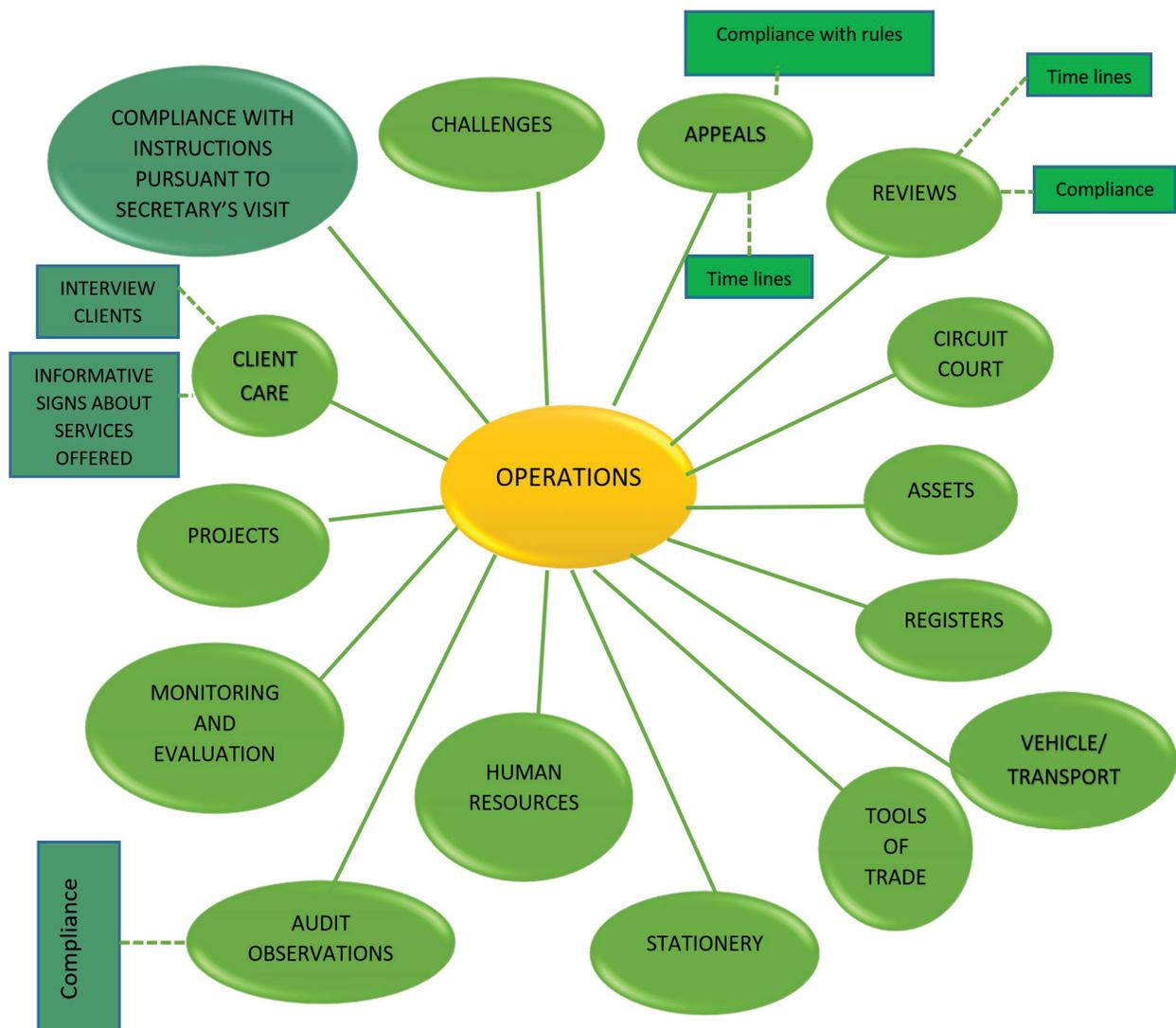
- Check the register for when files were received and actioned. Files should be referred to judges the day they are received.
- Check on the availability of weekly and monthly statistics.

4.6 RESERVED JUDGMENTS

Check if the register is being maintained and updated as and when judgments are handed down.

5. HIGH COURT OF ZIMBABWE

5.1 OPERATIONS



CIVIL DIVISION

5.1.1 MAIN INDEX BOOK

This is where all processes in the Civil Division are entered and is provided for by Order 39 of the High Court Rules, 1971 (as amended). The Index Book contains details of all matters that have been issued at the High Court. It must be updated as and when matters have been completed.

Inspection involves checking if:

- Case numbers are being allocated in chronological sequence;
- The names of parties are being entered as they appear on records; and
- Results are being entered as cases are completed.

5.1.2 CIVIL APPEALS REGISTER

The register contains all the information relating to appeals from Magistrates' Courts. It is used to refer appeals to Judges.

Inspection involves checking if:

- The register is being updated properly;
- Names of parties are being entered as they appear on records;
- Records are being requested from courts *a quo* when they are not submitted within set timelines;
- Heads of argument are being called for within prescribed timelines; and
- Records are being returned on time after completion of appeals.

5.1.3 APPEALS TO THE SUPREME COURT REGISTER

The register is used for referral of appeals to the Supreme Court. It must contain all relevant information, for instance, names of parties, when the record was submitted to the Supreme Court and the results where the appeal has been disposed.

The following areas are important:

- Check for the date the notice of appeal was received.
- Check for the date record was sent for and returned from transcription.
- Look out for records that have been outstanding for long periods.
- Look out for records requiring reasons for judgment and follow up with Judges if they have been outstanding for overly long periods.
- Check for the date letter requesting parties to inspect record sent out.
- Check whether the date parties inspected the record was recorded and if the inspection was done on time.
- Check for compliance with request for payment of record preparation fees.
- Check for communication with the Registrar of the Supreme Court where calls for inspection or payment for record were not complied with.
- Check if date record sent to the Supreme Court was recorded and if the Registrar of the Supreme Court acknowledged receipt.
- Check if date returned and result were updated in the register



- Essentially check if communication of results from the Supreme Court was done to Judges.
- Check if there is an order made by the Supreme Court for compliance by the Judges or the Registrar and if the relevant action was taken.

5.1.4 TRIALS REGISTER

This is the register where details of all trials are entered for referral of trials to Judges. The results of all trials must be updated when trials have been completed.

Inspection involves checking if:

- Case numbers are entered in the correct numerical sequence.
- Names of parties are being entered in full as they appear on papers.
- The cause of action is being entered for each case.
- Results are being entered as the matters are disposed of; and
- There is compliance with the provisions of Practice Directions for example PD 3 of 2013 where matters are postponed *sine die*, struck off the roll or removed from the roll. Also check if such records are being managed by the Registrar.

5.1.5 URGENT CHAMBER APPLICATIONS

This register is used for referring Urgent Applications to the Judge President/ Senior Judge for allocation to Judges.

Inspection involves checking if:

- Matters are being referred on time;
- Names of parties are being entered as they appear on papers; and
- Results are being updated immediately when the matters have been finalized.

5.1.6 ORDINARY CHAMBER APPLICATIONS

This register is used for referral of ordinary chamber applications to Judges.

Inspection involves checking if:

- Applications are being referred as and when they become due for referral;
- Dates of referral are being entered;
- Allocation is being done systematically in terms of Judges' order of seniority;
- Results are being entered when matters have been disposed of;
- Query sheets are being raised where matters are not complying with Rules; and
- Practice Direction 2 of 2016 is being utilised by the Registrar to manage matters.

5.1.7 UNOPPOSED MATTERS

This register is used for recording all unopposed matters that are received for set down.



Inspection involves checking if:

- Names of parties are being entered correctly as they appear on time.
- Matters are being set down as required by the Rules;
- All records set down are being recorded;
- Results are being entered as soon as the matters have been disposed of; and
- Practice direction 3 of 2013 is being used to manage matters by the Registrar for matters postponed *sine die*, struck off the roll and removed from the roll.

5.1.8 OPPOSED MATTERS

This register is used for recording all opposed matters and for the purpose of referring to the Judge President or Senior Judge for allocation.

Inspection involves checking if:

- Matters are being referred as and when they become ready to be referred;
- Query sheets are being raised in matters that are not in compliance with the Rules; and
- Results are being updated when matters have been completed.

5.1.9 PRE-TRIAL CONFERENCE

This Register is used for referral of files for allocation.

Inspection involves checking if:

- Files are being referred for allocation on time; and
- Results are being entered as matters are disposed of or referred for trial.

5.1.10 ORDERS BOOK

This register is used to record and allocate order numbers in completed matters.

Inspection involves checking if:

- Orders are being recorded;
- Orders are being allocated order numbers; and
- Orders are being collected on time by the relevant parties.

CRIMINAL DIVISION

5.1.11 TRIALS

This Register is used to record and allocate files to Judges.

Inspection involves checking if:

- Names of accused persons are being entered in full;
- CRB numbers are being recorded correctly;
- Results are being updated; and
- *Pro-deo* counsel is being allocated as and when required.



5.1.12 REVIEWS REGISTER

This is the Register where details of all reviews received are entered. It also records all referrals to Judges and must capture information when the record is returned to the court of origin.

Inspection involves checking if:

- Names of parties are being recorded correctly;
- The court of origin is being entered;
- The referrals are being done on time;
- Results are being entered; and
- Files are being returned on time.

5.1.13 CRIMINAL APPEALS

This register records all the details of appeals from Magistrates Court and referrals to Judges.

Inspection involves checking if:

- Names of appellants are being entered in full;
- Records are being requested for when there is delay;
- Heads of argument are being called for on time;
- Appeals that do not comply with the Rules are being dismissed and communication being made on time to the parties and the court of origin;
- Set-down is being done on a first come, first served basis;
- Results are being updated; and
- Results are being communicated to the court of origin and records being returned.

5.1.14 BAILS REGISTER

The register captures all the details of bail applications issued and referrals to Judges.

Inspection involves checking if:

- Names of applicants are being entered correctly;
- CRB numbers are being entered;
- Matters are being set down within the required timelines;
- There is a follow-up with Prosecution for outstanding pleadings; and
- Results are being updated.

The following operations are cross cutting to both divisions.

5.1.15 CORRESPONDENCE REGISTER

This register records all mail that has been received.

Inspection involves checking if:

- All letters are being recorded;
- Letters are being referred on time; and
- The Registrar is signing for the letters.



5.1.16 DAILY ATTENDANCE REGISTER

This register records the arrival and departure times of members at work.

Inspection involves checking if:

- The recorded times against the stipulated times of arrival and departure; and
- The Registrars are checking the register on a daily basis.

5.1.17 MOTOR VEHICLES REGISTER

This register contains all the details of motor vehicles at the station.

Inspection involves checking if:

- All vehicles are recorded;
- Vehicles are being serviced on time;
- Log books are being utilised;
- Fuel consumption is being recorded;
- Mileage of all vehicles is being recorded.

5.1.18 ASSETS REGISTER

This is the register where all assets at the station are recorded.

Inspection involves checking if:

- All assets are recorded;
- All inventories in offices match what is in the register;
- The status and adequacy of the furniture is recorded;
- The boarding of furniture is being done for redundant furniture.

5.1.19 MONITORING AND SUPERVISION

Every Registrar is obliged to meaningfully check registers at least once a month.

Inspection involves checking if:

- This checking is being done, with meaningful comments being followed up and whether dates of checking are indicated.

5.1.20 STAFF PERFORMANCE

This involves checking on performance of staff members.

This is done by checking if performance management is being conducted by means of target setting at the beginning of the year, mid-year performance review and performance appraisal at the end of the year.

Registers can also be used to measure how staff members are performing using the rate of compliance with the correct maintenance of registers.



5.1.21 COURT PREMISES

The courthouse should be well maintained and clean.

Inspection involves checking if:

- The court yard is clean;
- The courtrooms, judges' chambers and offices are clean; and
- The infrastructure and assets are being well maintained and in a good state of repair.

5.1.22 PUBLIC RELATIONS

This involves management of the relationship between the courts and members of the public. The feedback is important as it shows areas where there is need for improvement.

Inspection involves checking:

- The comments in suggestion boxes and feedback registers; and checking if suggestions are being attended to; and
- The correspondence register to see if letters are being responded to timeously, as well as checking if public inquiries and queries are being attended to.

5.1.23 AUDIT REPORTS

Inspection involves checking if:

- Recommendations in the last audit have been implemented and observations rectified.

5.1.24 COURT AMBIENCE

Inspection involves checking if:

- Signage and notice boards are adequately informative. The ambience of the building must be welcoming to litigants;
- The general cleanliness of the building.

5.1.25 STATIONERY REGISTER

This register contains all the information of the stationery that is at the station and that which has been issued.

Inspection involves checking if:

- Stationery is being recorded;
- Members are signing for stationery that they have received; and
- Stationery is being regularly replenished.



5.1.26 STATION VISITS

There should be evidence of regular unannounced and announced visits by the Registrar at all High Court stations.

Inspection involves checking:

- Station visit reports:
- Whether recommendations made are being complied with; and
- Whether spot-checks are being done and pleadings filed.

5.1.27 CIRCUIT COURTS

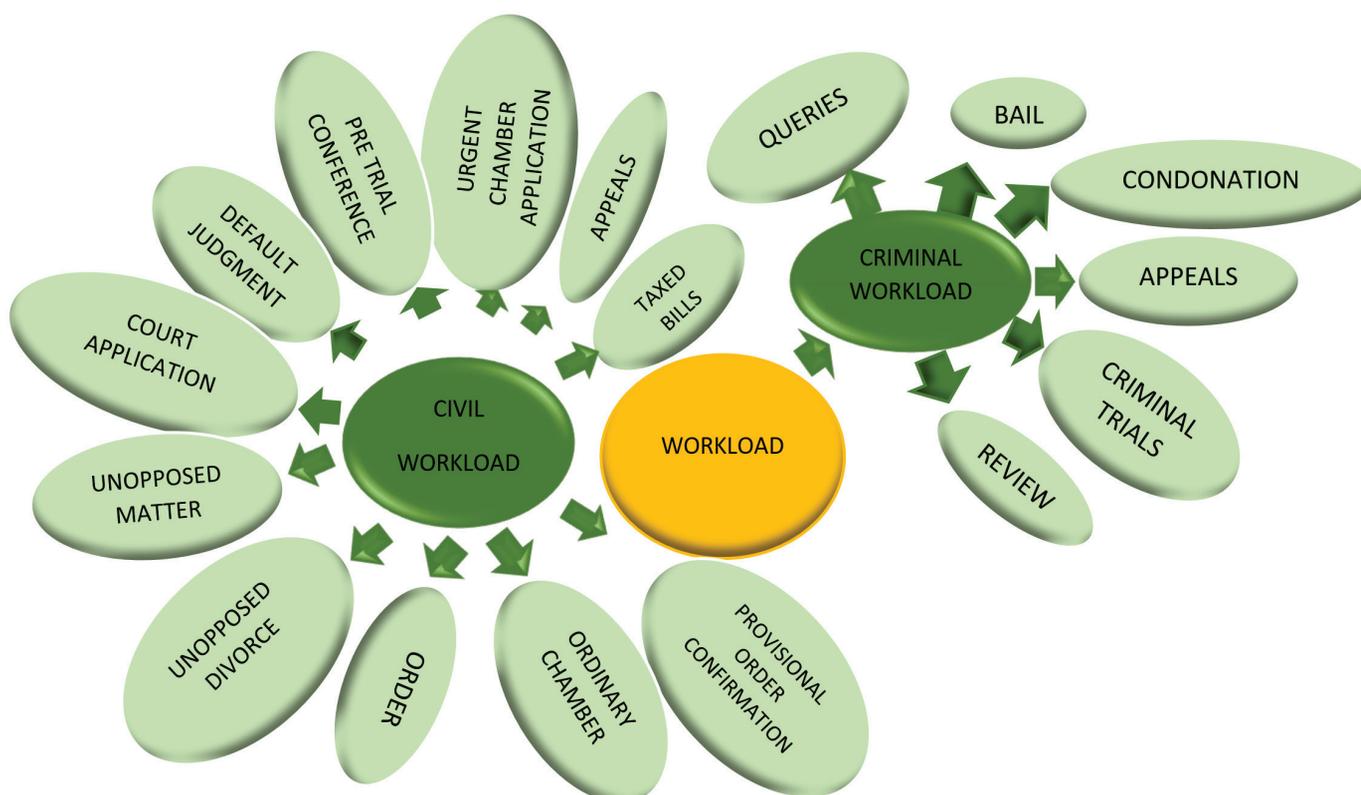
This is the register where reports about circuit court operations are entered.

Inspection involves checking:

- Statistical reports, look out for reasons for postponement of matters and enquire if follow-ups on partly heard matters are being made.
- Workload during each circuit.

N.B: For all the workload, check if there are footprints by the Registrar/Deputy Registrar checking the work and the registers and if the instructions are being complied with.

5.2 WORKLOAD



5.2.1 STATISTICAL REPORTS

These reports capture the performance of the court for a specific period under review. The report details the volume of work that has been issued by the court and that which has been completed. Furthermore the reports indicate the backlog obtaining at the court. The reports give a true overview of the workload of the station.

Inspection involves checking:

- Weekly, monthly, quarterly and yearly reports are being compiled;
- Figures computed are tallying; and
- Interventions that were proposed in the reports are being implemented.

5.2.2 APPEALS TO SUPREME COURT

Inspection involves checking the:

- Total number of appeals that are pending;
- Number of appeals that are being issued every month;
- Number of appeal records that are being prepared monthly; and
- Number of appeals that are being sent to the Supreme Court monthly,

To verify if the above figures are tallying with the monthly statistics.

5.2.3 APPEALS FROM MAGISTRATES' COURTS

The workload can be verified by checking the:

- Total number of appeals that are pending;
- Number of notices of appeal that are being filed monthly;
- Number of appeal records being received from Magistrates' Courts;
- Number of files being set down monthly vs the number of appeals that are ready for set-down;
- Number of letters requesting records from Magistrates' Courts where there is a delay in submitting the appeal records;
- Number of letters requesting Heads of Argument written to parties and;
- Appeals dismissed by the Registrar for failure to pay for records or file Heads of Argument.

5.2.4 CHAMBER APPLICATIONS

Inspection involves checking the:

- Number of applications being issued monthly;
- Number of applications being referred to Judges; and
- Number of query letters being written to parties.



5.2.5 TRIALS

Inspection involves checking the:

- Total number of pending records that are ready for trial;
- The number of files set down on a monthly basis; and
- The number of files that are being completed *vis a vis* files being referred to trial from PTC stage.

5.2.6 COURT APPLICATIONS

Inspection involves checking the:

- Total number of court applications that are pending;
- Total number of applications that have been referred for allocation; and
- Station backlog.

5.2.7 UNOPPOSED MATTERS

Inspection involves checking the:

- Number of applications for set down received weekly;
- Number of records being set down weekly; and
- Queries raised in records weekly.

5.2.8 DEFAULT JUDGMENTS

Inspection involves checking the:

- Pending applications;
- Total number of applications made in a month; and
- Files referred to Judges.

5.2.9 PRE-TRIAL CONFERENCE

Inspection involves checking the:

- Pending records;
- Number of applications received;
- Total number that is referred to Judges; and
- Query letters that have been issued in a month.

5.2.10 BAILS

Inspection involves checking the:

- Number of applications received monthly; and
- Applications that have been referred to Judges.

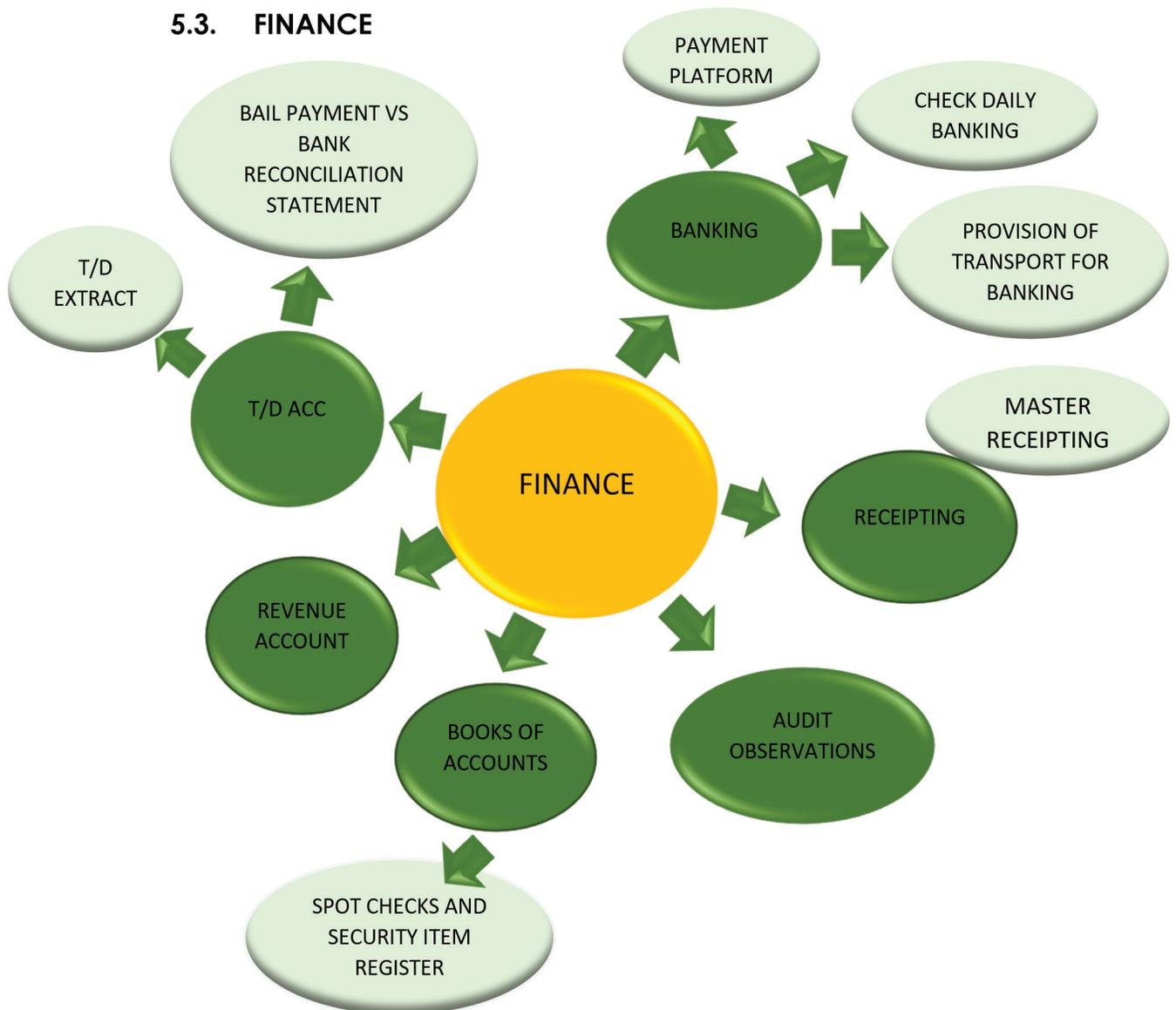


5.2.12 REVIEWS

Inspection involves checking the:

- Total number of reviews that are pending at the court;
- Number of reviews that have been received from Magistrates' Courts; and
- Frequency of sending back review records to courts of origin.

5.3. FINANCE



To check whether all necessary details of each single file are being captured correctly on the receipts issued to litigants.

5.3.1 BANKING

Inspection involves checking that:

- All reconciliations are being done on a monthly basis and whether cashbook balance and bank balance reconcile;
- Banking is being done daily;
- There is provision for transport for banking; and
- Spot-checks are being carried out.

5.3.2 REVENUE ACCOUNT

i. RETENTION

It is an account where all revenue generated at the court is kept.

Inspection involves checking if:

- Remittance is being done on time; and
- All the revenue has been remitted at the Head Office within the prescribed time lines.

5.3.3 TRUST ACCOUNT

The purpose of the Trust Account is to keep money in trust for litigants, it holds in trust such moneys as bail deposits, security for costs and payments into court which must be paid on demand.

Inspection involves checking if:

- Monthly extracts are being done on time;
- Payments are being done on time; and
- Bank balances are tallying with what has been deposited less that which has been refunded.

5.3.4 IMPREST ACCOUNT

The purpose of this account is to maintain the float that is required to refund witness expenses.

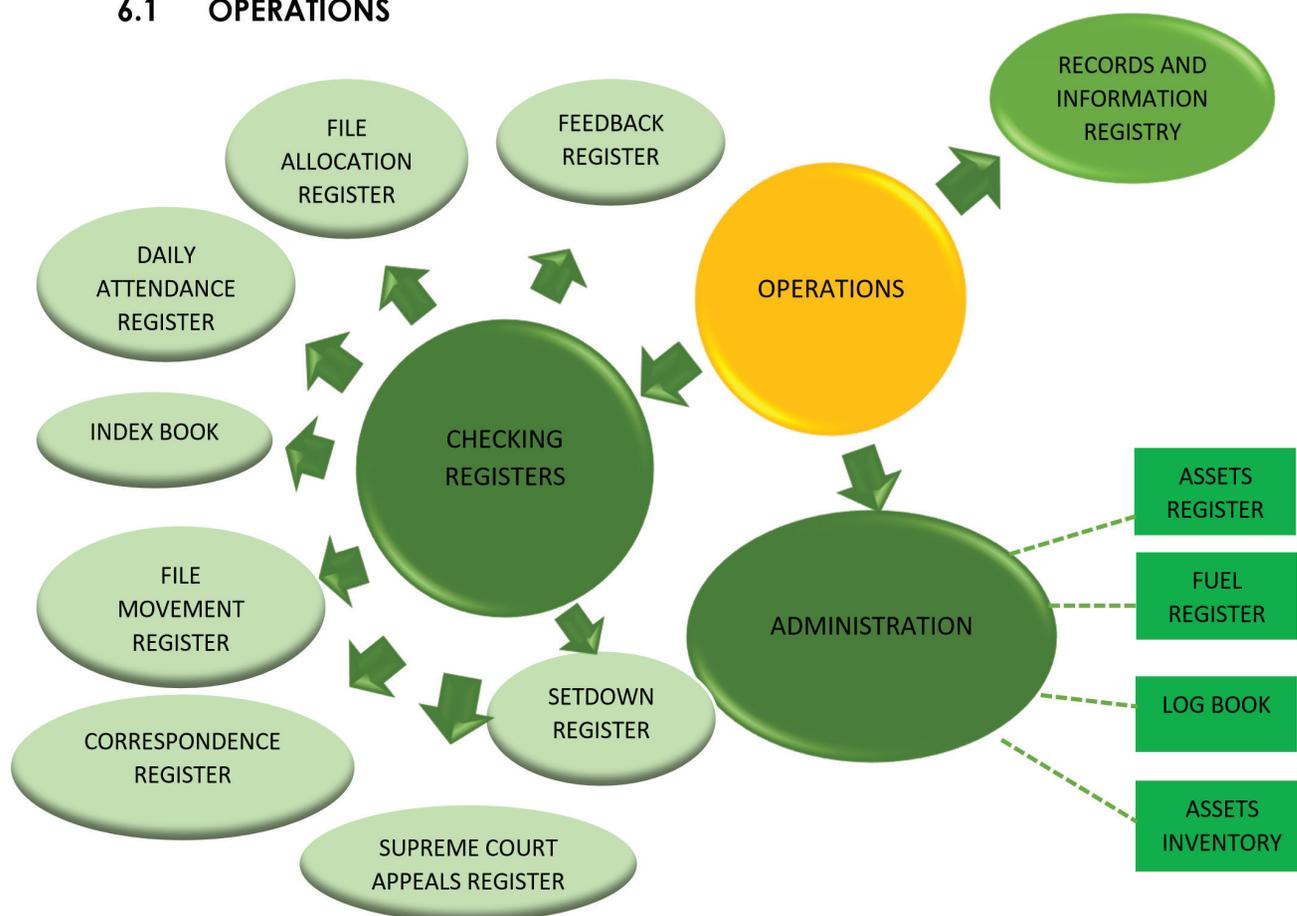
Inspection involves checking if:

- All schedules are being kept and updated;
- Available float is balancing after deducting payments made;
- Vouchers are being kept; and
- Remittances are being done on time.



6.0 LABOUR COURT OF ZIMBABWE

6.1 OPERATIONS



6.1.1 APPEALS REGISTER

This is the register where details of all appeals received are entered. The results or outcome of all appeals must be updated when matters are finalised by checking if:

- Case numbers are being allocated in the correct numerical sequence without leaving gaps;
- The names of parties are being entered in full as they appear on the papers;
- The date of filing is indicated and the cause of action is entered for each case; and
- The outcome of matters are being endorsed once matters are finalised.

6.1.2 REVIEWS REGISTER

This is the register where details of all reviews received are entered. The results or outcome of all reviews must be updated when matters are finalised by checking if:

- Case numbers are being allocated in the correct numerical sequence without leaving gaps;
- The names of parties are being entered in full as they appear on the papers;



- The date of filing is indicated and the cause of action is entered for each case; and
- The outcome of matters is being endorsed once matters are finalised.

6.1.3 APPLICATIONS REGISTER

This is the register where details of all applications received are entered. The results or outcome of all applications must be updated when matters are finalised by checking if:

- Case numbers are being allocated in the correct numerical sequence without leaving gaps,
- The names of parties are being entered in full as they appear on the papers
- The date of filing is indicated and the cause of action is entered for each case; and
- The outcome of matters is being endorsed once matters are finalised.

6.1.4 CORRESPONDENCE REGISTER

This register captures other pleadings filed after appeal is noted or applications for review or some other applications have been filed. This register renders it possible to check if:

- All correspondence received is being captured;
- The names of parties are being entered in full as they appear on the papers; and
- The date of filing is indicated and the nature is entered for each pleading

6.1.5 SUPREME COURT APPEALS REGISTER

This Register records every stage from when the Labour Court is served with a notice of appeal to when the matter is finalised at the Supreme Court.

The following must be checked:-

- The date the notice of appeal was received;
- The date record was sent for and returned from transcription;
- Records that have been outstanding for long periods;
- Date when letter requesting parties to inspect record was sent out;
- Whether the date parties inspected the record was recorded;
- Compliance with payment of record preparation fees;
- Communication with the Registrar of the Supreme Court where call for inspection or payment for record were not complied with.
- Whether date record sent to the Supreme Court was recorded;
- If the Registrar of the Supreme Court acknowledged receipt;
- Date returned and result were updated in the register;
- If communication of results from the Supreme Court to Judges was effected; and
- If there was an order made by the Supreme Court for compliance by the Judges or the Registrar and if the relevant action was taken.



6.1.6 FILE ALLOCATION REGISTER

This register captures the allocation of files to the Judges for set down.

Checks should be made if:

- The case number and parties have been captured correctly;
- The date the file was referred to the Senior Judge or Judge in charge is correct;
- The Judge allocated the record;
- The date the file was received by the Judge is correctly recorded; and
- The result of the matter was captured.

6.1.7 SET-DOWN REGISTER

This register captures the matters that have been set down.

- Check if the case number and parties have been captured correctly
- Check the dates and times the matter has been set down
- Check if the nature of the matter has been captured.

6.1.8 FILE MOVEMENT REGISTER

This register records the movement of files from one office to the other.

The following should be checked:

- If records are captured when leaving the registry, including the date they leave and when they are returned;
- If the person receiving the record is signing acknowledging receipt; and
- If a person captures when they receive a record and when they send it to the next office or person.

6.1.9 DAILY ATTENDANCE REGISTER

This register records the arrival at work and departure times of members of staff. Inspection involves checking if the recorded times against the stipulated times of arrival and departure. The Registrar/Deputy Registrar must check the register daily.

6.1.10 FEEDBACK REGISTER

This register captures feedback from the litigants.

A check should be made if is in a position where litigants can readily notice it and give feedback freely. The comments/feedback by the litigants should be checked.

6.1.11 STATIONERY REGISTER

This register captures stationery usage at a station.

Inspection involves checking:

- Whether register is up to date
- The frequency of supplies



- The utilisation rate of supplies - look out for suspicious or abnormally high consumption rate.

6.1.12 ASSETS REGISTER AND ASSETS INVENTORY

This register captures the stationery in the offices and its status. Inspection involves checking:

- Whether the register is being maintained or is up to date;
- Whether the inventory in offices matches what is physically in offices;
- The status of furniture;
- The adequacy of furniture;
- Whether boarding of furniture is being done for redundant furniture; and
- The availability of tools of trade at the station.

6.1.13 FUEL REGISTER

This register captures the fuel allocation for vehicles.

The register must be checked to monitor fuel consumption.

The dates when fuel is allocated must be checked and the mileage upon collection of fuel coupons must be matched against the stipulated mileage.

6.1.14 LOGBOOK

This log book monitors usage of vehicle.

The log-book must be checked to establish if information is correctly captured therein. To monitor utilisation of pool vehicles, the mileage recorded in the log-book must be matched against the actual mileage recorded on the dashboard.

Inspection involves checking:

- General cleanliness of vehicles.
- Service history against mileage.

6.1.15 STATION VISITS

There should be evidence of regular announced and unannounced visits by the Registrar/ Head of Registry at the station.

Inspection involves:

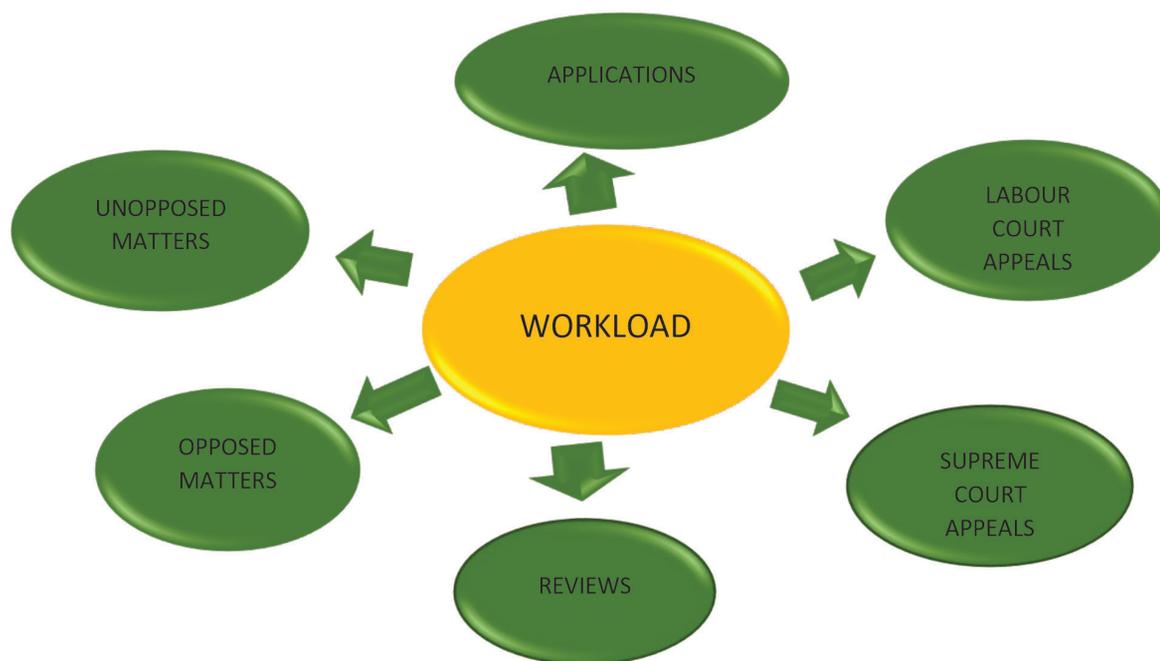
- Checking for evidence of inspection of registers;
- Inspecting reports of station visits;
- Checking whether recommendations are being followed up or not; and
- Conducting spot-checks of areas such as the Registry to check for evidence of filing of pleadings.

6.1.16 AUDIT OBSERVATIONS AND AUDIT REPORTS

Use the last audit report to check for implementation of audit recommendations. Responses to audit queries must be on file.



6.2 WORKLOAD



6.2.1 CHAMBER APPLICATIONS

Inspection involves checking:

- The number of chamber applications that have been received versus the number of applications referred and completed. Lookout for duration taken before a matter is referred to a Judge;
- If statistical data analysis and interventions are continuously being done on Chamber applications; and
- If requests for record of proceedings are being submitted timeously.

6.2.2 APPLICATIONS (COURT APPLICATIONS AND LABOUR RELATIONS APPLICATIONS)

Inspection involves checking:

- The number of applications that have been received versus the number of applications referred and completed. Lookout for duration taken before a matter is referred to the Senior Judge for allocation; and
- If statistical data analysis and interventions are continuously being conducted on applications.

6.2.3 LABOUR COURT APPEALS

Inspection involves checking:

- The number of appeals that have been received versus the number of reviews referred and completed. Look out for duration taken before a matter is referred to the Senior Judge or Judge in charge for allocation; and
- If statistical data analysis and interventions are continuously being conducted on appeals.



6.2.4 REVIEWS

Inspection involves checking:

- The number of reviews that have been received versus the number of reviews referred and completed. Look out for duration taken before a matter is referred to the Senior Judge or Judge in Charge for allocation;
- If statistical data analysis and interventions are continuously being conducted on reviews; and
- If requests for records of proceedings are being done timeously.

6.2.5 OPPOSED MATTERS

Inspection involves checking if:

- The number of opposed matters that have been received versus the number of opposed matters referred and completed. Look out for duration taken before a matter is referred to the Senior Judge for allocation; and
- Statistical data analysis and interventions are continuously being conducted on opposed matters.

6.2.6 UNOPPOSED MATTERS

Inspection involves checking:

- The number of unopposed matters that have been received versus the number of unopposed matters referred for allocation to the Senior Judge or Judge in Charge as unopposed matters; and
- Statistical data analysis and interventions are continuously being conducted on unopposed matters.

6.2.7 SUPREME COURT APPEALS

The following must be checked:

- The number of Supreme Court Appeals that have been noted versus the number of Supreme Court Appeal records referred to the Supreme Court and appeals dismissed by the Registrar for non-compliance with the Rules; and
- The time taken from filing of the appeal at the Labour Court and the date of sending files to the Supreme Court should be noted and monitored.

6.2.8 STATISTICAL REPORTS

These capture the performance of the court for the month under review.

- Check the availability of monthly statistical reports.
- Analyse trends coming out from the reports and check for any remedial action taken by head of station.
- Check statistical reports and interrogate the utilisation of practice directions, e.g. PD1 of 13 to manage matters.



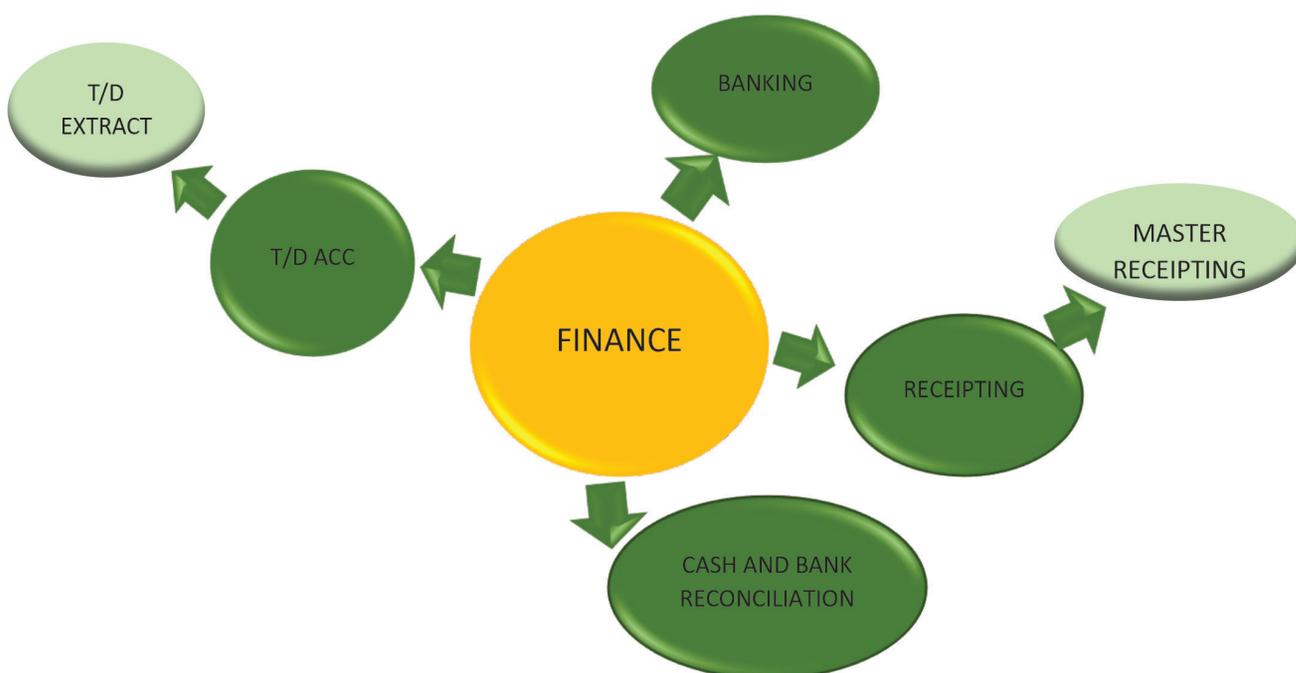
6.2.9 CIRCUIT COURTS REGISTER

This is the register where reports about circuit court operations are entered. Inspection involves checking:

- Statistical reports, look out for reasons for postponement of matters and enquire if follow-ups on partly heard matters are being made; and
- Workload during each circuit.

N.B: For all the workload, check if there are footprints by the Registrar/Deputy Registrar while checking the work and the registers and if the instructions are being complied with.

6.3 FINANCE



6.3.1 RECEIPTING AND MASTER RECEIPTING

- Check whether all details were captured on the receipt, that is, the amount, the case number and the correct receipt number.
- Check if all receipts in the receipt book are adding up when compared against the Master receipt book.

6.3.2 POSTING OF RECEIPTS TO CASHBOOK

- Identify any mis-postings and omissions through tracing receipts from receipt book to cashing.

6.3.3 BANKING

- Check if deposits are being made on a daily basis.
- Check cash receipts against deposit slips to ascertain whether all cash received was banked.



6.3.4 CASH AND BANK RECONCILIATION

- Check whether all reconciliations are done on a monthly basis, that is, done, checked and approved by the Accountant.
- Check whether the cashbook balance and bank balance do reconcile.
- This is done to identify mis-posting and errors made either by the bank or in the cashbook.

7. ADMINISTRATIVE COURT OF ZIMBABWE

7.1 OPERATIONS

The operations of this court are a subset of the High Court and those which cut across the two divisions of the High Court are also applicable to the Administrative Court. We have not mentioned them to avoid repetition. Below are the operations which apply specifically to the Administrative Court:-

7.1.1 MAIN INDEX BOOK

The Index book contains information for all processes filed at the Administrative Court.

Inspection involves checking if:

- Names of parties are being entered correctly;
- Case numbers are being allocated in chronological sequence; and
- Results are being updated.

7.1.2 APPEALS REGISTER

This register contains information of all appeals from Tribunals.

Inspection involves checking if:

- Names of parties are being entered correctly as they appear on the papers;
- Names of tribunal against whose decisions appeals are noted are being entered;
- Results are being updated; and
- Records are being returned on completion.

7.1.3 APPEALS TO THE SUPREME COURT REGISTER

This is the register where appeals to Supreme Court are entered.

Inspection involves checking if:

- Names of parties are being entered correctly;
- Records are being prepared properly;
- Records are being referred; and
- Results are being updated.



7.1.4 COURT APPLICATIONS REGISTER

The register contains information such as names of the parties, names of legal representatives, date of set-down, cause of action and results when matter is finalised.

Check if all the information mentioned above is being recorded.

7.1.5 URGENT CHAMBER APPLICATIONS

This register is for the purpose of referral of urgent matters to judges.

Inspection involves checking if:

- Urgent chamber Applications are being referred on time; and
- Results are being updated.

7.2 WORKLOAD

7.2.1 STATISTICAL REPORTS

Monthly statistical results are compiled to check backlog status and to recommend interventions where necessary.

- Check if statistical reports are prepared and submitted timeously to the Chief Registrar.
- Look out for reasons for postponement of matters and enquire if follow ups on partly heard matters are being made.
- Check if inventories of reserved judgments are being compiled and submitted timeously to the Registrar.
- Check if follow-ups are being made on long outstanding judgments.



CHAPTER 3

MASTER OF THE HIGH COURT OF ZIMBABWE

INTRODUCTION

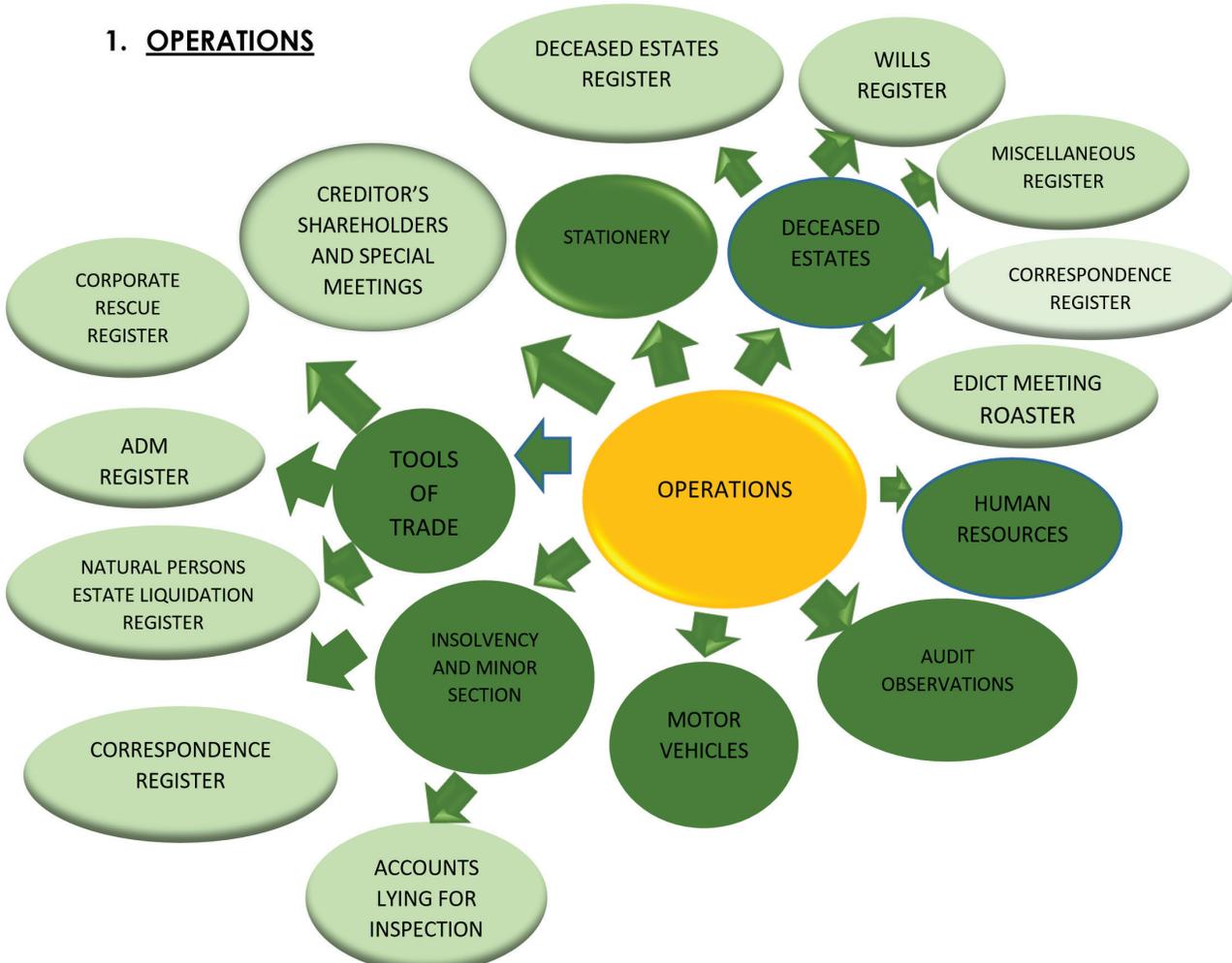
The office of the Master of the High Court occupies an important place in the administration of justice.

The Master of High Court performs three fundamental functions which are:

- (i) Administration of Deceased Estates'
- (ii) Insolvency; and
- (iii) Guardian's Fund.

The nature of the operations of the Master's office is such that it deals with families in distress after death of a family member and companies that are also in distress. For this reason, it is necessary to ensure that operations are monitored and evaluated for effectiveness and efficiency.

1. OPERATIONS



1.1 DECEASED ESTATES DIVISION

i. Deceased estates register

- This register records the date of registration and full names of the deceased persons' estates that are registered at a particular office/station.
- Check if the estate registration is done in clear numerical order and that indexing is done in proper alphabetical order.
- Look out for any double registration of an estate. This register assists in identifying trends in the amount of work per station.
- The higher the number of estates registered at a station, the greater the workload.

ii. Wills Register

- This register records the date of receipt of the testamentary documents, the full names of the testator and the full names and I.D. number of the person lodging the documents.
- Check if registration is being done in the correct numerical sequence.

iii. Correspondences Register

- Record all incoming correspondences.
- The register records the date of receipt, name of the deceased, type of document lodged and details of the person submitting the documents.
- Check if recording is being done on a first come first serve basis and date when correspondence is referred to the next office.

iv. Miscellaneous Register

- It records documents / correspondence pertaining to deceased estates not registered at the station. The register must show the date of receipt of correspondence and the name of the late person and the action to be taken.
- To check if the registration is being done consistently in numerical order and if correspondence is being directed to the right office.

v. Edict Meeting Register / Roster

- It shows meetings that will be heard on a particular date and time, and the names of the presiding Assistant Masters.
- Check if key information such as date, time, venue, and names of presiding officers is properly captured.
- Check the time it takes to conduct an edict meeting after a request for one has been made.

vi. Attendance Register

- This register records the arrival and departure times for members of staff.
- Check times recorded against stipulated operating times for commencement of work and knocking off.
- There should be evidence of checking of the record by either the Master, Deputy Master, Additional Master or Principal Assistant Master.



vii. Tools of Trade:

To check availability of the following:

- Relevant statutes:
 - ❖ Administration of Estates Act [Cap 6:01],
 - ❖ Deceased Estates Succession Act [Cap 6:02],
 - ❖ Deceased Persons Family Maintenance Act [Cap 6:03],
 - ❖ Wills Act [Cap 6:06],
 - ❖ Estate Duty Act [Cap 23:03]
- Check if there is enough furniture and equipment.
- Check on availability of internet service.
- Check on state and condition of the tools.

1.2 INSOLVENCY AND MINORS SECTION

i. Company Liquidations Register

- This register records liquidations, miscellaneous liquidation files and judicial managements carried over from the old law.
- Check if names of the company have been properly recorded as well as the date of the court order and that registration is done in numerical sequence.

ii. Corporate Rescue Register

- This register records information for both voluntary and compulsory corporate rescue.
- Check if names of the company have been properly recorded as well as the date of the court order.
- Checking is same as above.

iii. Administration (ADM) Register

This register records information for minors' funds and curatorship of law firms.

Inspection involves checking if:

- Names of the minor children and the amounts received have been properly recorded;
- The time it takes to process and action a request for money for the benefit of minors; and
- The nature of curatorship is captured.

iv. Natural Persons Estates Liquidation Register

This register contains information for both voluntary and compulsory sequestration.

Inspection involves checking if:

- Names of the person have been properly recorded;
- The date of the court order is correct; and
- That registration is done in numerical order.



v. Correspondence Register

This register records all incoming correspondence. Inspection involves checking the:

- Date of receipt is captured;
- Name of the person/company to which the documents relate;
- Type of document lodged and details of the person submitting the documents; and
- Records are being done on a first come first serve basis.

vi. Creditors, shareholders and special meetings

- Check if meetings are being properly convened.
- There should be evidence of copies of *Government Gazette* notices in the record.
- Check whether meetings were held on the advertised dates.

vii. Accounts Lying for Inspection Diary

- Record accounts that have been advertised as lying for inspection.
- Register shows the date of advert and name of company.
- Check if correct timelines for advertising are being diarised and recorded.

1.3 OPERATIONS

The following operations are cross-cutting:

a. Human Resources (HR)

- Check whether individual staff files are in place and are being updated,
- Check adequacy of staff, in terms of numbers versus the workload.
- Check the number of persons in various posts against information in HR records and staff returns and if such registers are being regularly updated.
- Check people occupying a position and their qualifications, and whether members of staff are well placed in the department for optimum performance.
- Check any grievances or queries and how same were addressed.
- Check if there are any training programmes aimed at staff development and capacitation.
- Check if there is a staff vacation leave forecast and if it is being followed.
- Check if proper procedures are being followed in application and approval of leave or off days by members.
- Check if there are any disciplinary proceedings and their management.
- Check if all internal vacancy notices are being circulated to all staff members.

b. Stationery

- Check on the availability of adequate stationery and whether the same is being properly distributed through inspecting administration stationery registers.
- Check the pattern of utilisation of stationery.



c. Audit observations

- Check implementation of audit recommendations made in the last audit report.
- Check if responses to audit observations and queries are on record.

d. Motor vehicles

- Check vehicle service and maintenance records.
- Check vehicle mileage against fuel used.
- Check if vehicles allocated are enough and efficient.

e. Challenges

Challenges faced at a station should be properly recorded. There should be evidence of attempts made to resolve or overcome the challenges.

WORKLOAD



1.4 DECEASED ESTATES DIVISION

a. Monthly Statistics

- Check the availability of monthly statistical reports.
- Analyse trends coming out from the reports and check if any remedial action was taken by the head of station to deal with bottlenecks.

b. Weekly Statistics

- Check availability of weekly statistical reports.
- Take steps as shown under Monthly Statistics above.

c. Edict Meeting Statistics

- Inspect register of meetings set down during period under review.
- Analyse the trends and see if any remedial action was taken.

d. Dispute Resolution Meeting (special meetings) Statistics

- Inspect register for special meetings checking names of the late and reference number.
- Check rate of resolution of disputes by comparing number of postponed hearings, number of cancelled hearings, number resolved against number received.

e. Certificates of appointment drafted

- Check Assistant Master's register of actioned processes.
- Check when file received and actioned.

f. General correspondences responded to

- Check Assistant Masters' register of actioned processes.
- Check when correspondence was received and actioned.
- Check whether the turnaround time is within three working days.

g. Court applications and Summons

- Check the number of applications received for purposes of Master's reports against reports done.
- Check when the application was recorded as received and when the report was done.

h. Consent to sale drafted

- Check the Assistant Masters' register of actioned processes.
- Check when application for consent to sale was received and actioned.
- Check the rate at which applications for consent to sale are being made.

i. Processing of requisitions

- Check the information on requisition forms on file against *pro forma* invoices submitted or applications made by guardians.
- Check if requisitions made correspond with amounts disbursed.

2.2 INSOLVENCY AND MINORS DIVISION

a. Monthly Statistics

- Check availability of monthly statistical reports.
- Analyse trends coming out from the reports and check if any remedial action was taken by the head of station to deal with bottlenecks.

b. Weekly Statistics

- Check availability of weekly statistical reports
- Take steps as shown under a. above.



c. Creditors Meetings Statistics

- Inspect the register of meetings set down during period under review.
- Analyse the trends and see if any remedial action was taken.

d. Dispute Resolution Meetings (special meetings) Statistics

- Inspect the register for special meetings checking the names of the late and reference number.
- Check the rate of resolution of disputes by comparing number of postponed hearings, number of cancelled hearings against number received.

e. Certificates of Appointment Drafted

- Check the Assistant Masters' register of actioned processes.
- Check when file was received and actioned.

f. General Correspondence Responded to

- Check the Assistant Masters' register of actioned processes.
- Check when correspondence was received and actioned. Whether the turnaround time is within three working days.

g. Guardianship and Curatorship Application Register

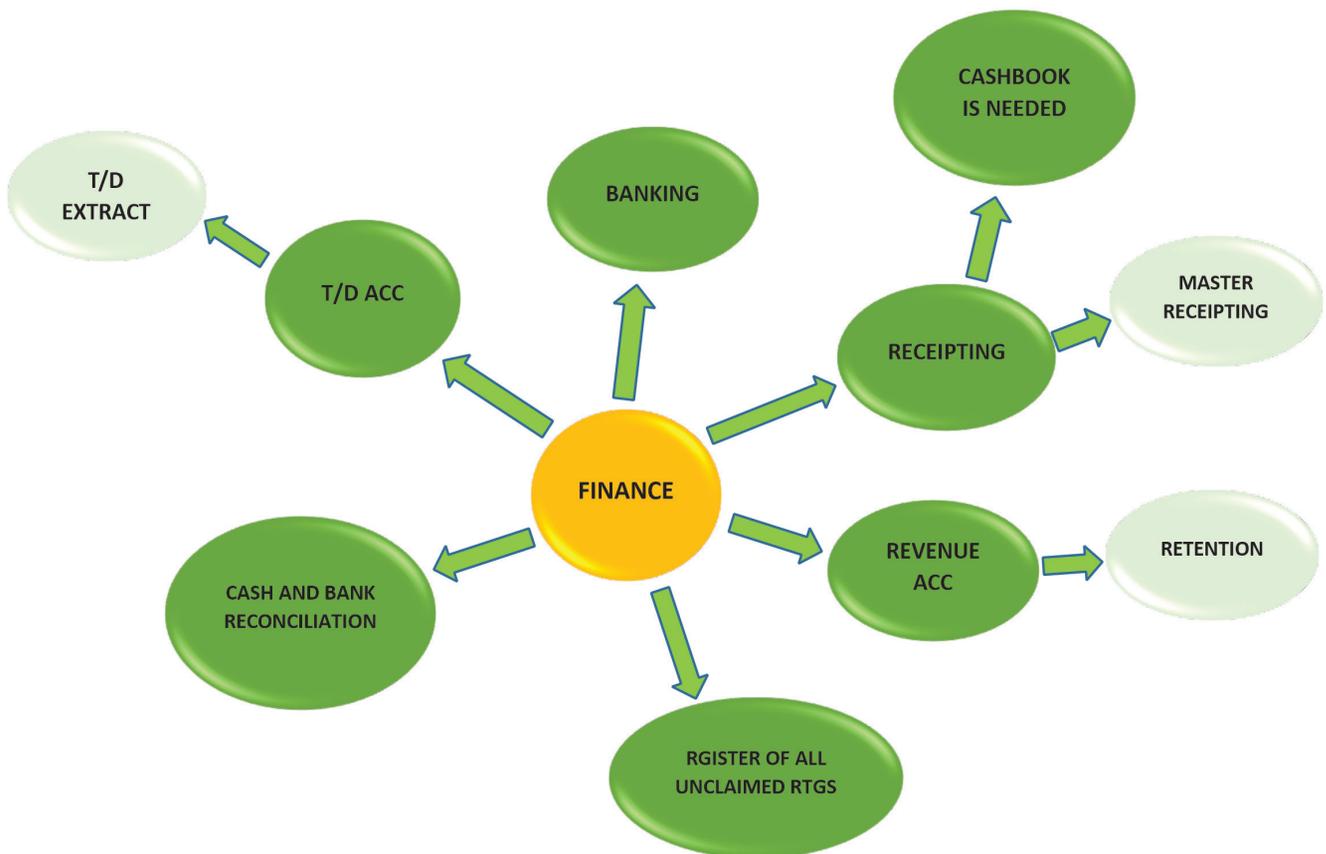
- Check the number of applications received for purposes of Master's reports against reports made.
- Check when the application was received against when report was done.

h. Court applications and Summons

- Check the number of applications received for purposes of Master's reports against reports made.
- Check when application was recorded as received and when report was made.



3 FINANCE



3.1 T/D account

a. Receipting and Master receipting

- Check whether all details were captured on the receipt, that is amount, case number and correct receipt number.
- Check if all receipts in the receipt book are adding up when compared against the Master receipt book.

b. Posting of receipts to cashbook

Identify any mis-postings and omissions through tracing receipts from receipt book to cashing.

c. Banking

- Check cash receipts against deposit slips to ascertain whether all cash received was banked.
- Banking must be done by the day following the day of receipt.

d. Cash and bank reconciliation

- Check whether all reconciliations were done on monthly basis i.e. done, checked and approved by the Accountant.
- Check whether the cashbook balance and bank balance do reconcile.



- This is also done to identify mis-posting and errors made either by the bank or in the cashbook

e. TD extract and extract reconciliation

- This is for the purpose of accounting for all monies held in the trust account through checking whether the station has a list of beneficiaries' balances as well as balances held in the Trust Account.
- Check whether a T D extract is being reconciled against the cashbook balance on a monthly basis.

f. Register for all unclaimed RTGS

This is for accounting of all deposits made through checking if the station has a register to account for all unclaimed deposits.

3.2 Revenue account

The activities are the same as indicated under TD account except for the following:

- **Retention**

- ❖ This is for the purpose of checking whether the station has acquitted all the funds received within the reasonable timeframe.
- ❖ This is done through checking whether the calculations were done correctly and whether the funds due to Head Office were submitted within the stipulated time.



4 STAFF WELFARE



a. Meetings with staff

- Check if meetings are being held at least once a month.
- Minutes of meetings to be readily available.
- Analyse the issues discussed at meetings and see if any follow-ups were made on issues of concern raised at meetings.

b. Staff performance

- Check if performance reviews are being conducted within stipulated times.
- Check if any action was taken to assist members who were identified to have challenges during performance review.

c. Provisions

- Check through the administration record if each member has received allocation of provisions.
- Check quantities and nature of monthly provisions being allocated.
- Check whether provisions are being distributed on time.

d. Court ambience

- Check the general operating environment and outlook of the office.
- Check the state of cleanliness of the offices and surrounding environment.
- Check the general condition of the building, furniture and equipment.

CHAPTER 4

SHERIFF'S DEPARTMENT

BACKGROUND

For the smooth operations of the department, and in order to meet the required standards in the Judicial Service Commission, monitoring and evaluation is a pertinent prerequisite. Monitoring and evaluation entails the checking of registers, strict supervision of staff, ensuring compliance with Rules of court, circulars, audit recommendations and the production of accurate reports to provide an insight into the department's operations.

Management will conduct mandatory quarterly scheduled station visits and unannounced visits to check on the effectiveness and efficiency of the department's operations.

The following is a guide that traces and outlines the fundamental functions of the Sheriff's office and what is expected to ensure fulfilment of its mandate within the justice delivery system of Zimbabwe. This also indicates the areas of focus and the tools to monitor and evaluate the department.

1. OPERATIONS

STATION VISITS

The Head of Sheriff Services and his Deputies are to conduct quarterly station visits. During such visits the following will be looked at:

a) PERFORMANCE MANAGEMENT SYSTEM

Checks should be conducted on:

- (i) Whether performance agreements were signed during the first month of the year.
- (ii) Whether performance reviews were conducted during the stipulated period.

b) CHECKING OF REGISTERS

The inspecting officer should check for the following:

- (i) Whether all the registers are being correctly updated.
- (ii) Whether all the registers are being checked regularly and meaningfully by the Senior Additional Sheriff.

c) AUDIT REPORTS

Checks should be made on:

- (i) Whether all audit reports have been responded to as is required.
- (ii) Whether issues raised by audit were attended to.



(iii) Whether all audit recommendations are being complied with.

d) SUPERVISION OF AUCTIONEERS

Checks should be done on the following:

- (i) Whether the Auctioneers submit monthly reports stating goods received that month and sales conducted.
- (ii) Whether accurate storage reports are being compiled and submitted.
- (iii) Whether the Senior Additional Sheriff is performing *ad hoc* and scheduled visits on the Auctioneers to verify the goods held in storage.

e) PROJECTS

Checks should be conducted on the following:

- (i) The progress of pending projects in the department.
- (ii) Whether the projects are meeting the deadlines.
- (iii) Whether there are any challenges or bottlenecks to the completion of the project.

f) MOTOR VEHICLES

In executing his mandate, the Sheriff uses motor vehicles. It is, therefore, necessary for all the vehicles in the department to be in the best condition possible to ensure smooth and efficient service delivery.

Hence the following should be checked:

- i. Whether vehicles are being serviced on time.
- ii. Whether tyres are being changed on time.
- iii. Whether fuel requisitions are done on time.
- iv. Whether fuel coupons are received on time.
- v. Whether vehicles that are in garages for repairs are being released timeously.
- vi. Whether all additional Sheriffs have government certificates of authority to drive government motor vehicles.
- vii. Whether handover and takeover procedures are conducted as per the Secretary's memo.
- viii. Whether all road accidents are being reported to the police and the Secretary.
- ix. Whether all vehicles have essential tools to travel, e.g. spare wheel, jack, wheel spanner, breakdown triangle, reflectors etc.
- x. Whether the mileage readings are consistent with the fuel requisitions made.
- xi. Whether vehicle log-books are being meaningfully utilised.
- xii. Whether the vehicles are being kept in a clean state.

g) CORRESPONDENCE AND COMPLAINTS HANDLING

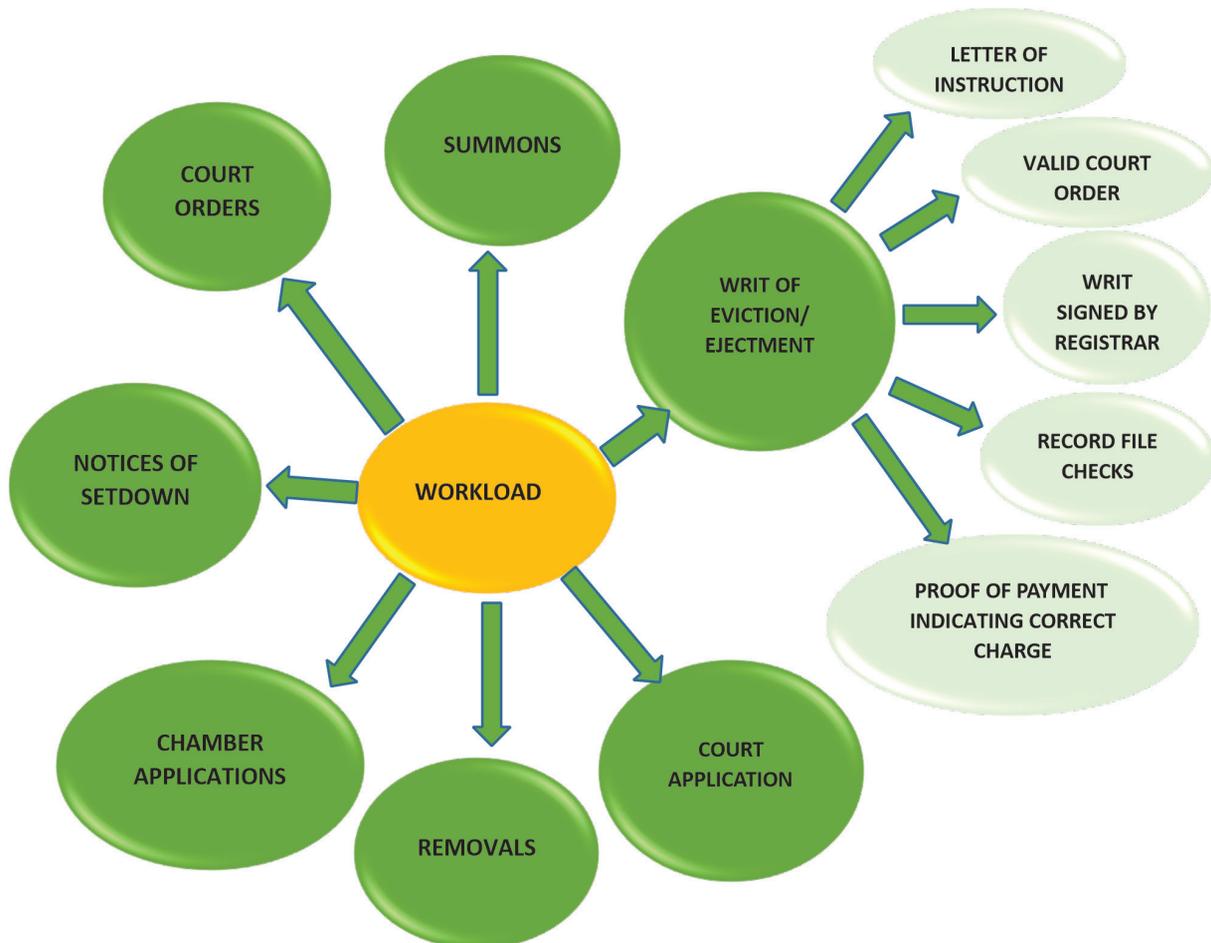
Checks should be done on:

- (i) Whether correspondence is being dealt with or responded to within three days, as stipulated in the SOP.



- (ii) Whether all complaints are being recorded in the complaints register,
- (iii) Whether all complaints received are responded to in writing within seven (7) days of receipt.

2. WORKLOAD



a) SERVICE OF COURT PROCESS

Processes are court documents which require to be served by the Sheriff. They include the documents listed below:

- Summonses
- Court applications
- Chamber applications
- Court orders
- Notices of set-down
- Writs of execution/ejectments
- Removals

Checks should be conducted on:

- (i) Whether the processes are accompanied by a letter of instruction.
- (ii) Whether processes received are paid for in accordance with the service fees.

- (iii) Whether the processes are served in terms of the Rules of Court.
- (iv) Whether processes are served within 48 hours of receipt.
- (v) Whether processes are being systematically filed in the sheriff's registry.
- (vi) Whether returns of service are being issued in accordance with the processes served.
- (vii) Whether processes that have requests for re-service are paid for.

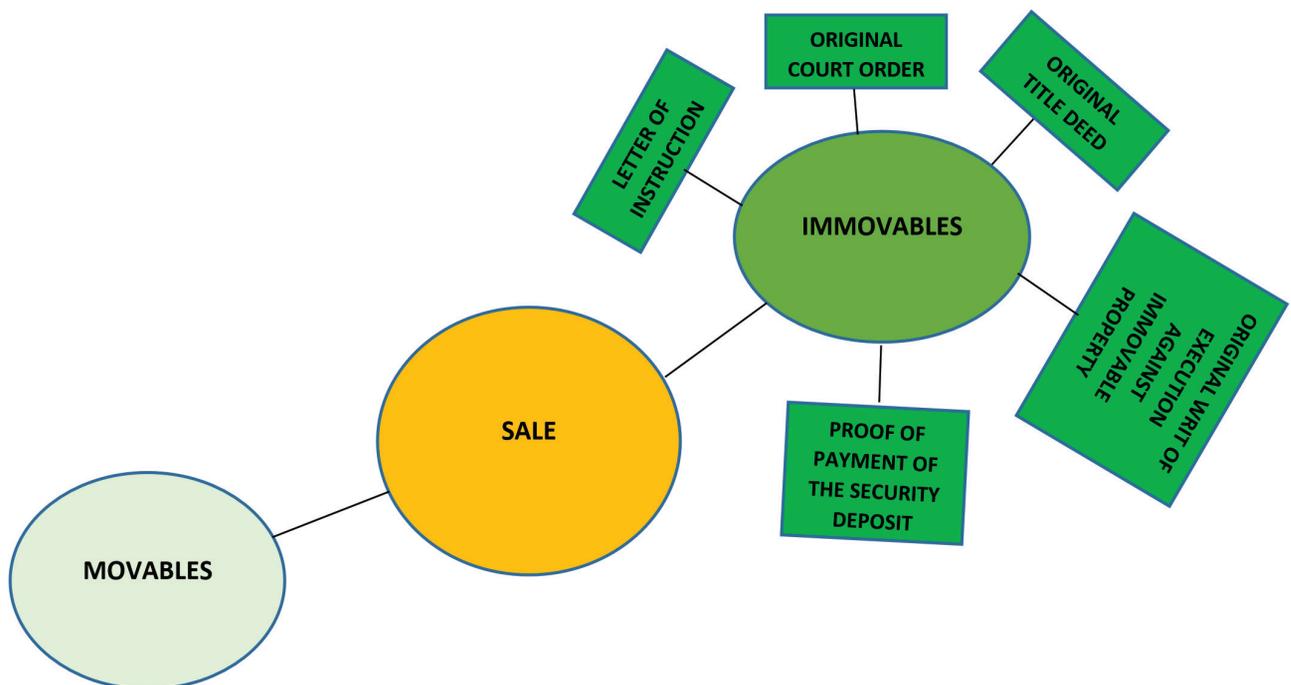
Checks should be conducted on whether writs of execution are accompanied by the following requirements:

- Letter of instruction
- A valid court order
- Writ signed by Registrar
- Bond of indemnity
- Proof of payment indicating the correct charge

Other Areas of Focus:

- (i) The inspecting officer should check the relevant processes, register and check the date a process is received and when it is served in accordance with time limits set.
- (ii) The inspecting officer must also check daily reconciliation forms which also indicate all outstanding processes.
- (iii) After service of each court process, the Additional Sheriff should compile a return of service. The inspecting officer must check for properly compiled returns of service including date of issue, internal reference numbers, receipt numbers and fees paid.

b) SHERIFF SALES



(i) **Movables**

Checks should be done on:

- Whether sales of movable property are being conducted within the stipulated 12 and 21 days of removal.
- Whether Post Auction Reports detailing list of goods sold and prices realised at auction are being compiled.
- Whether there is meaningful taxation of auctioneers costs and correct computation of Sheriffs fees.
- Whether sale proceeds are being distributed within three (3) days of date of receipt from the auctioneers.

(ii) **IMMOVABLES**

➤ **Opening of Sheriff Sale File**

Checks should be conducted on whether the following requirements have been availed for opening of a Sheriff sale file:

- Original court order
- Original writ of execution against immovable property
- Proof of payment of the security deposit
- Letter of instruction
- Original title deed/ one for judicial purposes
- Notice of Attachment
- *Nulla bona* return
- Bond of Indemnity

➤ **Administering the sale process**

The inspecting officer must check the following in the file:

- Whether sale instructions are issued to all the relevant parties i.e. judgment creditor, judgment debtor and auctioneer, as well as mortgage bond holder, where applicable.
- Whether the acceptance letter was issued within two (2) days of sale and returns of service of such acceptance letter are available.
- Whether the confirmation letter was issued after 15 days and returns of service of confirmation letters are available.
- Where an objection is filed, the inspecting officer should check whether opposing papers and notices of hearing were filed within the specified time lines.
- Whether the ruling or outcome of such hearing was made available after five (5) days of the hearing.
- Whether the Proof of Payment of the Purchase price was received within seven (7) days from date of confirmation.
- Whether transfer documents were signed within two (2) days of receipt.
- Whether Capital Gains Tax assessments were paid within three (3) days of receipt.
- Whether an accurate Plan of Distribution was compiled with proof of advert of plan of distribution.

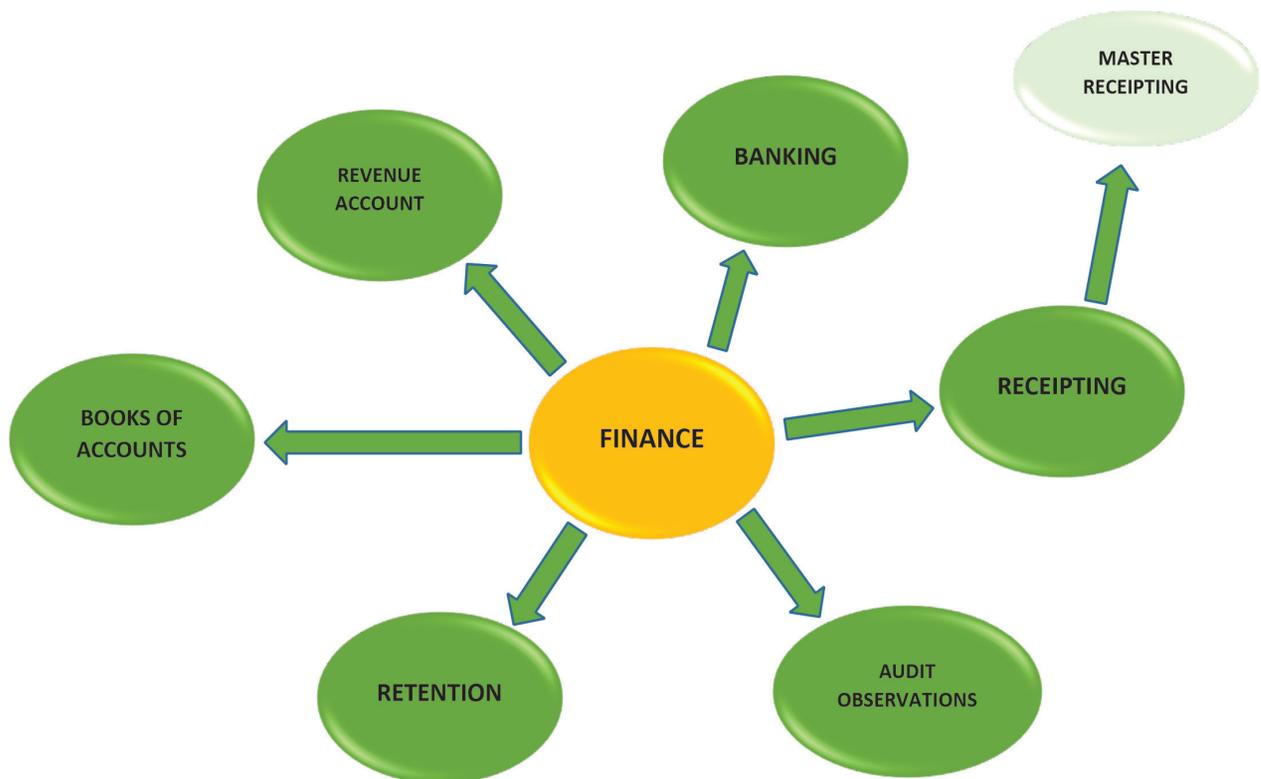


- Whether a copy of the new Deed of Transfer was received and proof of payments of funds distributed as per plan of distribution.
- The inspecting officer should check whether the Index Book kept by the Sheriff of all immovable sales conducted is properly updated.

(iii) MONTHLY REPORTS

The inspecting officers should also check if monthly statistical and status reports are being produced and whether they are accurate.

3. FINANCE



a) REVENUE ACCOUNT

With regard to this particular account all receipts require to be checked. This is to ensure completeness of transactions. The following details are to be checked on a receipt:

- Whether the Payee was recorded;
- The mode of payment;
- Whether amount in words and figures tally;
- If the nature of the revenue was disclosed e.g. fees, duty etc;
- Case number or reference;
- Signature of the issuer;
- Date stamp of the office issuing the receipts;
- Sequence of the receipt issued.

b) POSTING OF RECEIPTS TO CASH BOOKS

The inspecting officer must check the posting of receipts from the receipt book to the cash book.

c) BANKING

The inspecting officer must check daily deposit slips to ensure that all cash received is being banked daily.

d) CASH AND BANK RECONCILIATION

- The inspecting officer should check whether all reconciliations are being done on a monthly basis and if they are also being regularly checked and approved by relevant authority. This is done to see whether the cash book balance and the bank balance tally.
- The inspecting officer should check for mis-postings and errors made either by the bank or in the cashbook.

e) RETENTION

- The inspecting officer should check whether the calculations are being done correctly.
- Whether the funds due to head office are being submitted within the stipulated time.

4. STAFF WELLNESS



a) STAFF MEETINGS

Checks should be done on:

- (i) Whether heads of stations are holding monthly meetings with their staff;
- (ii) Whether minutes of such meetings are being recorded; and
- (iii) Whether issues raised at the meetings are being properly addressed.

b) PROVISIONS

- (i) The inspecting officer must check the provisions register to monitor and evaluate consistent allocation of provisions to staff.

c) TOOLS OF TRADE

Checks should be conducted on the following:

- (i) Whether there are essential tools of trade such as photocopiers, printers, internet access, scanners, fax machines, work-suits, and safety shoes at the visited station.
- (ii) Whether there are updated registers of the tools of trade at the visited station.

d) STATIONERY

Checks should be done on the following:

- (i) Whether the station has sufficient stock of all the required stationery.
- (ii) Whether there is proper accountability of stationery received and issued.
- (iii) Whether all security items like returns of service and date stamps are kept under lock and key.
- (iv) Whether the stationery register is properly updated against the physical stock held at the station.

e) FURNITURE

Checks should be conducted on:

- (i) Whether there are accurate inventories of furniture for each office.
- (ii) Whether the furniture is in a good state of use.
- (iii) Whether the furniture is sufficient for the staff compliment at the station.

f) OFFICE AMBIENCE

The inspecting officer must check for the general cleanliness, ambience and upkeep of the premises.

g) HUMAN RESOURCES

- (i) Check whether individual staff files are in place and updated.
- (ii) Check adequacy of staff, in terms of numbers versus the workload.
- (iii) Check number of persons in various posts against information in HR records and staff returns and if such registers are regularly updated.



- (iv) Check people occupying a position and their qualifications, and whether members of staff are well placed in the department for optimum performance.
- (v) Check any grievances or queries and how same were addressed.
- (vi) Check if there are any training programmes aimed at staff development and capacitation.
- (vii) Check if there is a staff vacation leave forecast and if it is being followed.
- (viii) Check if proper procedure is being followed in application and approval of leave or off days by members.
- (ix) Check if there are any disciplinary proceedings in place and their management.
- (x) Check if all internal vacancy notices are being circulated to all staff members.



TOOLKIT: MONITORING AND EVALUATING REGISTRY OPERATIONS SHERIFF'S DEPARTMENT

AREA OF FOCUS REGISTER	APPLICABLE	PURPOSE
1. Punctuality	<ul style="list-style-type: none"> Attendance register 	<ul style="list-style-type: none"> Records the arrival and departure times of staff at work
2. Management of assets	<ul style="list-style-type: none"> Asset register 	<ul style="list-style-type: none"> Management of all assets (office inventory and master asset register, the movement of assets from one office to another).
3. Management of motor vehicles	<ul style="list-style-type: none"> Motor vehicle register Vehicle log books 	<ul style="list-style-type: none"> To record and track the service and maintenance of motor vehicles. To record and track the movement of each motor vehicle in the department.
4. Management of security items	<ul style="list-style-type: none"> Sheriff security items register 	<ul style="list-style-type: none"> To record and track all security items received, used and issued for use. (i.e. returns of service books, date stamps, receipt books, etc.)
5. Management of fuel consumption	<ul style="list-style-type: none"> Fuel requisition register 	<ul style="list-style-type: none"> To record and track the frequency and consumption of fuel per vehicle.
6. Service of writs	<ul style="list-style-type: none"> Writ management register 	<ul style="list-style-type: none"> To record and track the process of execution of all writs up to sales in execution and the distribution of sale proceeds



Area of focus	Applicable register	Purpose
7. Service of court processes	<ul style="list-style-type: none"> Process management register 	<ul style="list-style-type: none"> To record and track all other processes such as summons and court applications received and served within set departmental time frames.
8. Timeous attendance of removals	<ul style="list-style-type: none"> Removals register 	<ul style="list-style-type: none"> To record and track all removals allocated for execution
9. Interpleader	<ul style="list-style-type: none"> Interpleader register 	<ul style="list-style-type: none"> To record all received interpleader applications and their outcomes
10. Service of court processes	<ul style="list-style-type: none"> Additional Sheriff process management register 	<ul style="list-style-type: none"> To record all process received and allocated to additional sheriffs for service To track service trends of process in line with set departmental timeframes.
	<ul style="list-style-type: none"> Additional sheriff notice of set-down register 	<ul style="list-style-type: none"> To record all notices of set-down received and allocated to additional sheriffs for service To track service trends of notices of set-down in line with set departmental timeframes.
	<ul style="list-style-type: none"> Incoming process register 	<ul style="list-style-type: none"> To record all instructions received.
	<ul style="list-style-type: none"> Incoming notice of set-down register 	<ul style="list-style-type: none"> To record all court notices received.
	<ul style="list-style-type: none"> Urgent notice of set-down register 	<ul style="list-style-type: none"> To record, allocate and track all urgent notices of set-down received, served and returned to the court of origin

Area of focus	Applicable register	Purpose
11. Management of mail	• Incoming correspondence register	• To record all received correspondence.
	• Outgoing mail register	• To record all outgoing mail.
12. Execution of writs against immovable properties	• Immovable index register	• To record and track the process of sales in execution of immovable properties up to final distribution of sale proceeds.
13. Management of hearings	• Sheriff sale hearing register	• To track objection hearings of Sheriff sales of immovable property.
14. Attachment of immovable properties	• Notice of attachment dispatch register	• To record and track service of notices of attachment of immovable properties dispatched to Additional Sheriffs.
15. Placement and upliftment of caveats	• Caveats register	• To record and track all caveats noted and uplifted with the Registrar of Deeds and the caveat numbers thereof.
16. Movement of files	• File movement register	• To track the movement of Sheriff's internal records
17. Acquittals	• Shortfalls register	• To manage and track the collection of outstanding fees of acquitted processes
	• Refunds register	• To record and track the refunds made to litigants



Area of focus	Applicable register	Purpose
18. Registry and records maintenance	<ul style="list-style-type: none"> Internal referencing index 	<ul style="list-style-type: none"> To allocate received processes with internal sheriff file numbers in chronological order of receipt.
19. Management of returns of service	<ul style="list-style-type: none"> Return of service collection index 	<ul style="list-style-type: none"> To record the upliftment of returns of service by litigants.
20. Client handling	<ul style="list-style-type: none"> Customer feedback register Complaints register 	<ul style="list-style-type: none"> To record customer comments on service rendered. To record complaints received and resolutions/responses to complaints raised.
21. Visitor handling	<ul style="list-style-type: none"> Visitors register 	<ul style="list-style-type: none"> To record and track important visits at the stations.
22. Staff members on leave	<ul style="list-style-type: none"> Annual / vacation leave registers 	<ul style="list-style-type: none"> To record and track staff members on approved annual/vacation leave from work
23. Staff members on sick leave	<ul style="list-style-type: none"> Sick leave register 	<ul style="list-style-type: none"> To record all members of staff who are absent from work due to illness
24. Staff members on maternity leave	<ul style="list-style-type: none"> Maternity leave register 	<ul style="list-style-type: none"> To record all members of staff who have applied for maternity leave.
25. Attrition	<ul style="list-style-type: none"> Wastage return register 	<ul style="list-style-type: none"> To record transfers, resignations, retirements, death in service, etc.



CHAPTER 5

MAGISTRATES' DEPARTMENT

BACKGROUND

The term inspection refers specifically to the act in which a person or persons with authority go out to review in meticulous detail, the work of an institution under their supervision to determine whether or not the institution meets certain predetermined standards of operation. The standards are measured in relation to the institution's core functions. For instance, the Chief Magistrate carries out inspections for purposes of enhancing court operations. The standard set by the Commission is that the inspections must be carried out at least once a quarter in each province. The visits may be targeted at specific or general aspects of a station's operations. The stations are guided as to the course of the inspection by a check list of all tasks and standards expected of them. However, the checklist is the minimum to be done.

A. ATTENDANCE REGISTER

- The Attendance Register is a critical management tool. It is intended to assist management in keeping an eagle-eye's view on members of staff to avoid truancy by tracking attendance at the office by each member. In the end it creates a desired work ethic from the members. The traditional attendance register is the physical time sheet where members manually log in and out. With developments in technology, the attendance register may evolve into many bio-metric forms.
- Whatever form the register takes, it must be truthfully completed. It must show actual times of arrival and leaving of the workplace. The register must be completed by each member of staff as the first task upon arrival at the workplace. The names must, therefore, appear in order of arrival at work and not of seniority or other determination.

Checking the Register

Members who come to work on time have no reason to fraudulently complete the register. Those who do not have every reason to cheat. The register must, therefore, be diligently checked daily at 07.45 hours to reduce or eliminate the risk of fraudulent attendance entries. The checking is done by ruling off below the last entry, appending the signature and endorsing the time of checking. Managers may design other methods of ensuring that all members who arrive after the cut-off time reflect in the register the exact times that they arrived at work. Punctuality must be enforced. The attendance register must be maintained hand-in-hand with an enforcement file where explanations for lateness and other forms of truancy are filed. If need be, records of persistent late-comers must end up in their personal files.



Punctuality is a general key result area of individual members and the attendance register must, therefore, be used as a measurement tool during performance appraisal interactions.

B. WORKLOAD



- The work load of a station is depicted by cases received by the station per given period. The station's performance level naturally becomes a calculation of all the cases completed during that period; the character of the cases competed is also important. The cases may be categorised using the following heads:

- ❖ **Pleas, trials, further remand refused, warrant of arrest or withdrawn before/after plea.**

- ***Performance of each magistrate***

Each magistrate's performance is measured in relation to the station's workload. A record for each magistrate must therefore be maintained, clearly showing the following:

- ❖ Daily hours spent by each magistrate in court. In this regard, there must be an analysis whether the hours relate to the cases being completed.
- ❖ Daily court hour sheets with the number of cases completed and their nature must be filed in order for the above to be easily ascertained during inspection.
- ❖ The number of magistrates at the station must be factored in and checked against the ideal establishment of magistrates and other staff. This usually reflects whether the station is over or under-staffed in certain categories of staff.

C. COURT STARTING TIMES

- The inspection shall seek to establish if courts are starting at prescribed times and whether or not they are sitting until prescribed times of adjournment. It is not enough that a court is simply sitting at the appointed times but adjourns soon thereafter. It is equally meaningless for the court to abide by the sitting times without any meaningful output.
- The prescribed sitting times are:
 - ❖ 0830 to 1045 hours
 - ❖ 1115 to 1245 hours
 - ❖ 1415 to 1545 hours
- The inspection will be guided by:
 - ❖ Magistrates daily returns
 - ❖ Cases received
 - ❖ Cases completed and the nature of the completion, as indicated above
 - ❖ Daily Station Inspectorate Reports

The inspection must interrogate and proffer solutions why courts may not be sitting on time or adjourning early in instances where that is happening.

D. BACKLOG

- The manager must start from the monthly report from that station. He/she must physically analyse the report against the live records at the station. That check should also reveal to the inspector the general incubation period of records/cases. Standards set for these incubation periods must be met and will be the yardstick of compliance. Find out the reasons for any delays in completing cases and urgently put in measures to counter that.
- In the provincial courts, those cases triable in the regional court which have been on remand for more than six (6) months and those triable in the High Court which have been on remand in excess of 12 months generally require scrutiny. There must be explanations why the cases have no trial dates. For those cases where the provincial courts have jurisdiction, any remands beyond three (3) months must be explained in full. Each station must have effective measures put in place to overcome backlogs and challenges thereof.



E. CRB CHECKING

- The Court Record Book is one of the most critical management tools at any court station. No court can run without this register. The CRB is a replica of the case record cover in that all information on the record of a case must also find expression in the Court Record Book. Most importantly, the CRB consists of pre-designed forms which are bound together into a book. Like any other form, the CRB forms demand specified information to be filled into the spaces/columns provided. These are as follows:
 - ❖ Case number: Each case is allocated a peculiar number by which it shall be called throughout its lifespan and beyond. This number must be on the case record cover as well as the CRB entry.
 - ❖ The Name of Accused/Parties: These must be captured as they appear in the initial pleadings (charge Sheet/indictment in criminal cases and summons/founding applications in civil cases).
 - ❖ The first date of initial appearance.
 - ❖ The charge/claim as it appears on the charge sheet/founding papers.
 - ❖ Space for sentence/order when the case ends.
 - ❖ Space for subsequent dates on which the case appears in court or is remanded or postponed to.
 - ❖ Administration References: These are important reference numbers which most stations tend to ignore. A properly maintained CRB will bear these details as they apply to a particular case, viz;
 - Bail receipt number
 - Fines receipt number
 - Prison number
 - Scrutiny/Review Number
 - CR number
 - Appeal Number
- The inspection should ensure that the CRB is maintained legibly, without omitting the above pertinent reference numbers. It must also be free from tears and dog ears. Where less experienced magistrates are assigned to do CRB checking at a station, the person in charge must ensure that they do so after enough training and that he/she in turn checks those magistrates' work.
- In addition to entering the review/scrutiny number of each case, the results of scrutiny/review must also be endorsed in the CRB.
- Where sentences/convictions have been altered or quashed, the endorsements must appear in the CRB. There should also be evidence that the new scenario has been enforced.
- The CRB is meant to assess the quantity/quality of work and compliance with various legal requirements by the station to which it relates. It must therefore achieve those purposes.
- The CRB is always kept in the Clerk of Court's office to which it relates. The Resident Magistrate and all inspectors must conduct CRB checking from the clerk's office. They check whether or not: -
 - ❖ All cases received are entered in the CRB.
 - ❖ Each stage of case is documented.
 - ❖ Verdicts and sentences are recorded in the CRB.
 - ❖ If accused was/is sentenced to imprisonment – warrant of committal must be filed in the record and the prison number entered appropriately in the CRB.
 - ❖ Where a fine was ordered and paid, a fine receipt number is recorded and copy of the receipt must be filed in the record.
 - ❖ If accused is given time to pay, this must show in the CRB and a



copy of the time to pay sheet must be filed in the record. Where the accused defaulted paying, a copy of warrant of arrest must be filed in the record in addition to an indication in the time to pay register.

- ❖ Community service sentence must be fully recorded in CRB and must show all pertinent details such as institution, number of hours etc. and confirmation that sentence was completed.
- ❖ The CRB entries must be indexed as well. The format is double indexing where the first entry must be by first name and the second entry must be by second name.

F. REVIEW/SCRUTINY

- The respective registers must show when a case was completed and when it was sent for scrutiny/review. This will then show whether the seven (7) calendar day timeframe was complied with. Details which must show in the register are the following:
 - Date sentence was imposed
 - Name of accused(s)
 - Date record was sent for typing of cover
 - Date it was returned from typing
 - Date record was sent to magistrate for certification
 - Date from magistrate
 - Date record was dispatched out of station for scrutiny/review
 - Date record is received back
 - Whether or not proceedings were confirmed
- Records not returned from scrutiny/review for more than one (1) month must be followed up on and there must be evidence that such follow up was made.

G. THE CLERK OF COURT

- The office of the clerk of court is the engine room of the station. If it is not efficient, the station cannot effectively discharge its functions. The inspectorate has right of access to any part/ corner of the office. The purpose is to ensure there is efficient record maintenance & filing system. All registers in the office must be examined to establish whether or not they are serving their intended purposes. These include:
 - ❖ Exhibit register: ensure the exhibits are safely kept, properly marked/ identified and that where disposal is done, it is done in terms of the law.
 - ❖ Time to Pay: that all time to pay granted is honoured or corrective action is promptly taken upon default; at most within a day following the default.
 - ❖ Index register: it must always be up to date.
 - ❖ Record Movement Register: Every record must leave Clerk of Court's office upon being signed for to avoid the scourge of disappearing records.
 - ❖ Scrutiny/Review Registers- already explained above.
 - ❖ CRB must have legible entries, be neatly kept and entries confined to their provided spaces.
 - ❖ Filing: Records must be filed for easy access/retrieval.
- Clerk of Court serves the public within the confines of the Commission's charter.



H. AMBIENCE OF SURROUNDINGS

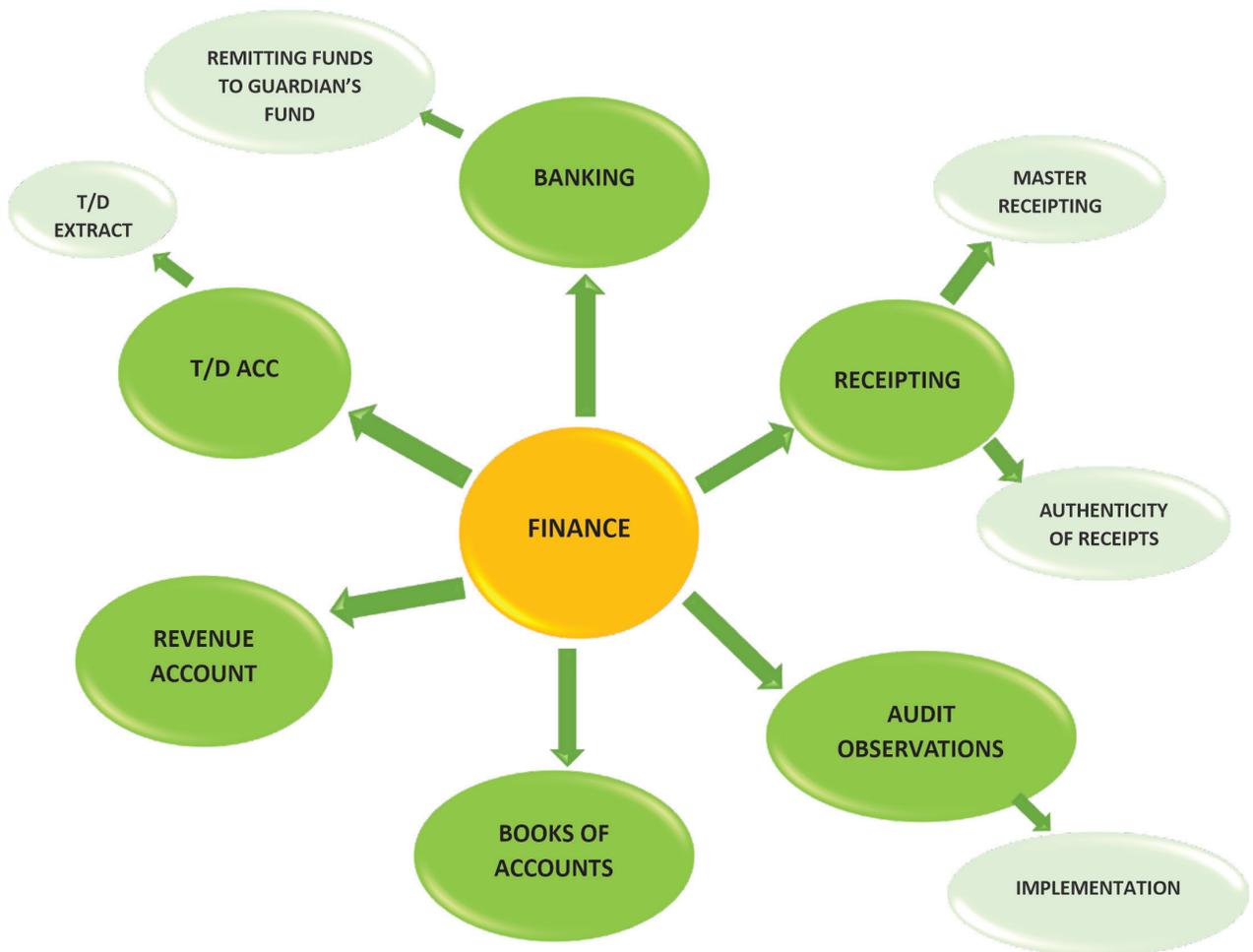
- Court rooms and offices must always be kept in a clean and kempt state. Attention must be shown to be given to the general state of buildings and assets. All repairs must be initiated from station and there must be proof thereof. General state of repair of building and equipment must be assessed.
- Maintenance of grounds and environs by station must be checked. Also ensure that the station has enough garden tools.
- Where there are challenges it serves no purpose just to see that there are challenges and not put in place solutions.

I. STAFF WELFARE



- Inspectors must hold an exit meeting with all staff before they leave the station.
- The purpose of such meetings is to raise any general concerns or to commend staff for good work.
- Get an appraisal of welfare issues affecting members of staff and endeavour as much as possible to solve them. Otherwise show the members that their problems have been presented to the relevant office.
- Check availability of and frequency of receipt of provisions for staff.
- Check on staff tools of trade such as stationery, computers etc.
- Check libraries and availability of law reports and other judgments, including the most recent ones.

J. FINANCE ISSUES



The majority of red flagged audit issues from stations emanate from the accounts section. It is therefore ideal that every inspection team is accompanied by a person from the Finance Department. Clearly, provincial accountants themselves need to be regularly inspected.

▪ **Audit report**

Every inspection on the accounts section must start from the audit report. It is necessary to check what issues were raised by both internal and external auditors if any. The inspection must then proceed to check on compliance and rectification of the issues raised therein. It is also necessary to check whether items agreed on management action were dealt with by the concerned functionary.

▪ **Temporary Deposit Account**

The Temporary Deposit account is an account where money not belonging to JSC is deposited and kept on behalf of the owner/beneficiary. This account works hand in glove with:

- TD Subsidiary Receipt books
- TD Master Receipt Books
- TD register
- TD cash book

- Like any accounting record, the account must always be balanced and ruled off at the end of each month. It must be reconciled. The reconciliations must be checked to flush out frauds and mistakes. It must be checked to assess whether it is being operated on established Treasury Instructions and JSC standards.
- The Accounts office must have its basic tools which include among others:
 - ❖ Treasury Instruction Handbook
 - ❖ Accounting Officer's Manual
 - ❖ Finance Circulars File
 - ❖ Chief Magistrate's Circulars on Finance and Administration
 - ❖ Audit Circulars' File
 - ❖ Audit Reports File
- **Revenue Account**
 - The revenue account deals with money which is collected by a station and belongs to the fiscus. The account also goes with its own set of:
 - ❖ Subsidiary Receipt Books
 - ❖ Master Receipt Book
- **Banking**
 - Banking must be done on the morning following the day money is collected. It must be done daily.
 - All money collected must be banked and this is shown by examining all receipt books of the day in question and the banking deposit slips.
 - Revenue collection trail must be seen from the subsidiary receipt book, into the Master receipt and receipts cash book column and eventually into the banking column and, lastly, into the bank deposit slip.
- **Receipting**
 - No money is received without the issuance of a corresponding receipt for the money. The receipts must show that they were detached upon being confirmed by a magistrate as per JSC AntiFraud Policy. Receipts must be written legibly and carbon copies must be generated on BLUE Carbon for permanency. Black Carbon erases easily.
 - In these days of multiple payment platforms, it must be emphasised that cash receipts cannot be exchanged for any other form of payment. Be on the lookout for accounting assistants who are in the habit of collecting cash from litigants and replacing this by swiping their personal cards. This is illegal and inspectors must always check that this is not happening.

K. CUSTOMER CARE

- Complaints abound at most stations about members of staff ill-treating litigants and other court users. In some instances members of staff are accused of literally harassing litigants. This is particularly so with younger and newer members of staff.
- Inspectorates must attempt to interact with those litigants and



members of the public they find at court. You may at times need to go out of the way and arrange meetings with members of the community or their representatives, legal practitioners or associations representing lawyers in the area of the station, prosecutors and any other necessary stakeholder. This enables you to get information about how the members of staff treat litigants generally.

L. A FEW LIVING REALITIES

- Experience has shown that:
 - ❖ There is total misrepresentation of statistics by some judicial officers in relation to cases completed, hours they spend in court and other issues. A dishonest person does not qualify to be a magistrate. Always try to reconcile the figures which appear on the statistical reports with the reality on the ground. When magistrates know that these are often checked, the temptation to misrepresent declines.
 - ❖ As indicated above, a number of members of staff have been charged with misconduct or reported to the police for defrauding the Commission in various ways. These indiscretions range from utter criminal behaviour such as demanding bribes, outright theft of funds or fraudulent behaviour by support staff to more subtle misbehaviour such as exchanging cash for Ecocash or swiped funds. There is also general lack of integrity by members of staff including magistrates.

M. CHANGING WORKPLACE ENVIRONMENT

- Managers must take note that the yesteryear workplace is very different from what obtains today. For instance, the Clerk of Court, the court interpreter or even the magistrate we used to know is not the same as that in place today. The world is changing, social interactions and social persuasions are changing daily. Managers therefore need to keep abreast of these changes to ensure that there is no disharmony in the workplace and to be able to adequately supervise staff.



N. OPERATIONS REPORTS



- As already hinted above, some reports are untrue. For instance, you find a report showing that one (1) criminal trial in one month resulted in more than 60 hours in court for a magistrate or that four (4) trials and 23 pleas in another month created 63 hours and 45 minutes in court for another magistrate.
- It follows therefore that these reports need to be carefully analysed and not simply taken at face value. Questions must be asked and clarifications sought where the reports do not make sense.
- Statistics must also likewise be interrogated and the inspector must ensure that what is contained in the reports corresponds with what is actually on the ground.

Q. SUPERVISION OF STAFF

- This is non-existent in some places. Some supervisors have completely abdicated their roles and their sections and stations appear to be on auto-pilot.
- Others also do not adequately communicate with staff and run their stations and sections like personal institutions. Communication with staff on all matters affecting them and affecting work is not a weakness but a strength.
- There are reports of some courts literally shutting out litigants with staff abdicating their responsibilities. Those who attempt to do their work may not know what they are doing.

CONCLUSION

The conducting of Monitoring and Evaluation of the Judicial Service Commission operations is a process which we cannot afford to do without as an entity that provides an important service to the public. As an organisation in charge of the courts where all manner of people, including the poorest and most vulnerable would wish to access, we cannot wait to improve our service through complaints. The most vulnerable and disadvantaged do not have the capacity to make complaints. At times when they are wronged through poor service, they may not even know that they are victims of maladministration.

It is, therefore, important that, as the Judicial Service Commission, we have processes that are self-correcting that identify gaps in our systems and inefficiency in order to deal with such challenges instantly. We will be able to do that if we have in place a continuous process of monitoring and evaluating our operations.

Section 194 of the Constitution provides for basic values and principles governing public administration. We are one such institution as described in **Section 194 (1)**. Amongst other principles, we are required to have a high standard of professional ethics, to provide services impartially, fairly, equitably and without bias, to be accountable and to be transparent. These are the virtues that we seek to promote as the Judicial Service Commission and through these guidelines we will succeed.









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