

Civil Court Staff In Ghana : Working Conditions And Legal Training For An Effective Procedure

By Sedina Agbemava*

The importance of judiciaries worldwide cannot be underestimated because of the role they are called upon to play in adjudicating matters concerning civil liberties, property rights and other matters of public importance.

In order to effectively and efficiently discharge these duties, there is the need for adequate resources, including financial, physical structures and the right human resource to ensure that the Judiciary runs efficiently. There is no doubt that without the provision of these important resources, the efficiency of the Judicial System would be seriously compromised.

I would wish to state here however that in Ghana, there is no distinction between a civil judge or criminal judge and in the same manner there is no distinction between the court staff as civil or criminal. If the court is adjudicating on criminal matters, the staff remain the same as they are in a civil trial.

There have been calls for the need to move away from a service which lacks proper administrative structures and schemes and efforts to build a strong administrative side of the judiciary, raise the moral uprightness of the Service and play a key role in administering justice to debunk public perception that the judiciary is corrupt, which has lowered the image of the judiciary in the eyes of the public. It is recognised that what the service needs is a strategic human resource plan, quality staff and improvement in the conditions of service of staff to support improvement in service delivery to drive the service forward and enhance public trust.¹

In the light of this, in the Judicial Service 2016/2017 Annual Report², the present Chief Justice³ is reported as stating that her vision for the Judiciary and that of the Judicial Service is hinged on six main pillars, one of which is “Continuous improvement of quality service”.

She states “To achieve excellence in the administration of justice, we as an institution must continuously improve the quality of our output through investment in the provision of infrastructure, the requisite tools and equipment for our work and in the human performance capacity for both judges and staff.

* Justice of the High Court (Commercial Division) Ghana, ewonyuienam@gmail.com.

1 Speech given by G.T Wood (CJ) then Chief Justice at the triennial Conference of the Judicial Service Staff Association, Koforidua, April 2015.

2 Judicial Service of Ghana Annual Report.

3 Current Chief Justice of Ghana Sophia Akuffo (CJ).

This statement by the Chief Justice recognises that the competence or skill of the staff is an important factor which determines the quality of service the courts offer to the public.

In the not too distant past, the reputation of the Judiciary and staff has not been quite stellar. The Judicial Service has unfortunately featured prominently in many corruption indexes and the perception held by the public is that the institution is corrupt and inept. The Judicial Service was never seen as an attractive career option. It therefore struggled to attract the best human resource. It is however a fact that Judicial Staff have been demotivated by poor working conditions, low wages, next to no legal training and opportunities for self enhancement or career progression. This state of affairs would of course affect the performance of their role efficiently and effectively in the dispensation of justice.

Over the years, some reforms have been undertaken to effect change and improve conditions of Court Staff. A comprehensive Conditions of Service has been put together for Staff of the Service which is aimed at addressing some of the challenges of the Service. This includes

- Lack of a clear career progression path, lack of predictable path to promotion, lack of requests for promotion – Human resource puts together clear policies on career progression and procedures, who qualifies for promotion etc
- Lack of training and staff development policies –training programs to be organised for court staff by the Judicial Training Institute (JTI) on a regular basis and across the Country. Training organised for Judges are also organised for the Court Staff, eg election petition training, introduction of witness statement, rollout of the e-Governance Project, with the expansion of the Court connected Alternative Dispute Resolution, (ADR) Registrars and other Court staff are being trained to be connected with the ADR
- Provision of adequate infrastructure, building new court houses or renovating old ones to enhance the work environment.

Despite all the effort being made to improve the working conditions, serious challenges still remain.

1. Inability to still attract the best brains to work as Court support staff. Eg some interpreters may be fluent or articulate in the local languages but are barely literate or eloquent in English, typists or recorders who can barely type or spell. Leads to challenges as they are unable to keep up with new procedures brought about by transformation or reforms. Eg recorders unable to type fast to keep up with advocates as they speak. This slows down proceedings and defeats the purpose of the automated courts in having evidence taken in real time.
2. Perception of corruption and ineptitude still pertains, that court staff extort from litigants before providing services to them
3. Lack of accountability and adequate supervision. In the case of Judges, they submit their judgments and rulings to the Monitoring and evaluation Department, for the court staff, they are to be managed by the Registrars. It is however clear from the challenges that supervision is either inadequate or non-existent.

4. Inadequate staff levels in the courts, incorrect placements and an inability to identify the core strengths of staff like putting square pegs in round holes, and I give the instance of a lady employed as a court clerk who had to act as an interpreter when the substantive one was off for a day. She excelled, unable to undertake work as a court clerk. Backlog of entries
5. Budgetary constraints of the Judicial Training Institute for continuous legal education.
6. Most Court houses still in a poor state of repair and poses a danger to users and court staff.
7. Perception that support staff sell access to litigants or make it easy or make no effort at all to insulate the judge from coming in contact with the litigating public.

Despite all these challenges the Judiciary remains focused on attracting and maintaining qualified professional staff to help in its mandate of delivering quality justice to the public.