LEADERSHIP AND INNOVATION AT THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

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Abstract

The South African government is having a problem when it comes to innovative leaders due to many contributing factors that constrain the managers within the public sector. The concept of the service delivery requires leaders that are innovative that will take the public sector to the next level. It is, therefore, essential that public employees, in particular managers, be innovative in order to manage public sector duties effectively. The leader is fundamental in planning, leading and controlling resources to ensure effective service delivery.

Public Administration does not operate in isolation, but is exposed to environmental factors such as political, economy, social, technological, environmental and legal. These factors require that public officials, the leadership in particular, display a higher ability to analyse and scrutinise these factors because leadership has an influence on internal departmental operations. The intentions of the South African government by 2030 as stated on the National Development Plan (NDP). The NDP shows intentions that require leaders who will lead in a creative and innovative way as the issues that have to be tackled by 2030 are issues that are in a way concerned with service delivery.

The Department of Justice and Constitutional Development (DOJ&CD) is one of the departments in South Africa that striving to be best performers in the public sector. However, there is a gap that needs to be identified into why it is not amongst the top performers within the public sector.

The methodology used in this study takes the form of in depth interviews with questionnaire designed to identify and measure the leadership and innovation at the DOJ&CD. The study analyzed leadership and innovation, particularly the management leadership, by scrutinizing managers at the higher courts and regional office in Gauteng. Interviews with managers were used to determine the leadership and innovation of managers to lead the higher courts in Gauteng. The study showed that there is a need for the leaders within the public service to be innovative in their areas of responsibilities.

Declaration

I declare that this report is my own, unaided work. It is submitted in partial fulfillment of the requirements of the degree of Master of Management (in the field of Public and Development Management) in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other university.

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Date:

List of Tables

List of Diagrams

List of Abbreviations

AG	Auditor General
AU	African Union
DCRS	Digital Court Recording System
DOJ&CD	Department of Justice and Constitutional Development
DPSA	Department of Public Service and Administration
EXCO	Executive Committee
ICMS	Integrated Case Management System
ICT	Information and Communication Technology
JDAS	Justice Departmental Accounting System
M&E	Monitoring and Evaluation (M&E)
NDP	National Development Plan
NPA	National Prosecuting Authority
OCJ	Office of the Chief Justice
PFMA	Public Finance Management Act
PMS	Performance Management System
RH	Regional Head
RO	Regional Office
SADC	Southern African Development Community
SMS	Senior Management System
TPF	Third Party Fund
UN	United Nations

Table of contents

1   CHAPTER 1 : INTRODUCTION

1.1 Introduction

The performance of any organisation, large or small, is directly related to the quality of its leadership. In fact, the public and private sector have many examples in which the success or failures of a particular organisation can be attributed to a specific leader. The point here is that effective and innovative leader who gives direction to organization's activity achieves productivity. South Africa is an emerging democratic country that has striven during its first decade of democracy to overcome the legacies of power, inequity and undemocratic governance that were left after the demise of the apartheid state. Any organisation faces challenges to provide quality services if managers are not innovative and creative in leading the organisation.

As a start, one would like to highlight that democracy in South Africa brought about changes in relation to how leaders should lead, manage and govern in the public sector using policies based on the constitution of the Republic of South Africa, 1996 (Act 108 of 1996). According to the Constitution, policies that have been developed and implemented fulfill the basic human, economic and political rights. These rights listed in the Constitution are to be implemented by the competent leaders who are efficient and innovative if the country is to realize the importance of these rights. The focus of the country as it celebrated the second decade, recently is on the implementation of the NDP that will improve the governance and accountability within the public sector. At the moment there is a need for leaders who are practicing the rule of law and good governance in the public service

In light of the above, it is imperative that this study is confined to the leadership and innovation at the Department of Justice and Constitutional Development (DOJ&CD) in Gauteng Province, South Africa to ascertain whether managers possess innovation and creativity in providing quality service. Therefore, leadership theories appropriate for innovativeness is discussed within the context of managerial leadership at the DOJ&CD, the research analysis is confined to the level managers at the Regional Office and High Courts in Gauteng Province.

This research study revolves around the key leadership theories suitable for effective and innovation leadership as a central focus of the analysis. . The research study deal with literature reviews on innovative and effective leadership in the level of managers in the Public Service, more specifically in the South African context, and how they compare with the innovative and creativity leadership characteristics required of managers at the regional office and high courts of DOJ&CD in Gauteng province, South Africa. The study will focus at the Gauteng province in South Africa as a unit of analysis

1.2 Background to the study

In 2000, the Department of Public Service and Administration (DPSA) developed a policy statement to address the issues that cause the poor leadership and to professionalize the critical echelon of the public service. Subsequently on 23 August 2000 the Cabinet approved the establishment of a distinct Senior Management System (SMS). The concept of SMS is clearly stipulated in chapter 4 of the Public Service Regulations of 2001 which led to the establishment of the SMS concept (DPSA, 2003). The White Paper on the transformation of the public service (WPTPS) (DPSA 1995, p48) focuses on the empowering and motivating of the managers at all levels to be leaders, initiators, visionaries, effective communicators and decision makers that are capable and proactive in challenges rather than acting as administrators of fixed rules and procedures. The National Development Plan (NDP) was introduced in 2012 by the South African President as a catalyst to improve the current level of standards that led to poor service delivery in this country.

In brief, changes in post 1994 South Africa led government departments to appoint senior managers to lead service delivery at the service points and this also applies to the regional offices and high courts of the DOJ&CD at large. In order to effectively deliver service to the public's satisfaction, senior managers should have innovative and creative leaders capable for effective quality service delivery in the public sector.

Furthermore, senior managers at DOJ&CD were appointed from 2005 to lead, inspire, delegate and influence employees at the regional offices and high courts also to

improve the performance of the department. In essence annual reports normally indicate whether the organization has failed or achieved its objectives. However, the failure or success of the organization to achieve its objectives depends on the effectiveness and innovation of senior managers is the central focus of the analysis.

Based on the above, it is imperative that the topic be researched in order to investigate the leadership and innovation appropriate for the DOJ&CD at regional office and high courts in South Africa. The research study is relevant to public administration as the regional offices and high courts as they are public service points. The findings of this study will be tabled to improve the current situation in the DOJ&CD.

1.3 Problem Statement

The international literature indicates that the effective leadership is the key for the success of any organization (Pieterse, Van Knippenberg, Schippers & Stam, 2009). The current leadership traits within the DOJ&CD show that there is a lack of innovation in the department of DOJ&CD. The annual report of 2012/13 financial year from the Auditor- General (AG) on leadership indicates that the department's leadership did not exercise adequate oversight with respect to the monitoring of the implementation of internal policies and procedures of the Department as well as address the processes pertaining to the monitoring, management and reporting of performance information at the overall performance management level and programme level; the annual report of 2011/12 financial year states that the leadership did not adequately exercise oversight responsibility regarding financial reporting and related internal controls. This inadequacy over the administration of the third party funds constrained the timely submission of credible and timeous financial statements for auditing. Furthermore the annual reports dating back from 2000/11 indicate that strategic goals were not properly managed due to poor implementation by the leaders and the managers at the DOJ&CD. The main reason of the audit qualifications in non-compliance by the AG shows a leadership deficiency those points to the lack of proper control measures to ensure compliance.

The managers find it to be difficult to be innovative in the public sector and this affects the organization effectiveness and has a bad impact on service delivery. The service

delivery in the DOJ&CD is not up to the standard when compared to other government department due to the lack of innovation in the leadership give examples of departments that are doing well on leadership innovation. Smith &Cronje (2011, p.313) indicate that the success of any business or organization is as a result of individual competence as a leader as well as their ability to lead. The authors further elaborate that good managers are not necessarily good leaders who have leadership competency but leaders who are innovative. The AG's management overview on DOJ&CD showed that the system of internal control is not entirely effective in terms of strategic leadership and in certain instances; the matters reported previously have not been fully addressed by leaders.

Studies indicate that one of the most important factors creating distrust is a lack of accountability as argued by Fard & Rostamy (2007). AG's are always in the forefront in checking public accountability from the private contractors to government department mainly in classic audit functions of financial compliance (Mulgan, 2006). The senior managers within the government department are not immune in the checking of accountability by the AG. Another point of view raised by Anderson (2009) is that accountability contains a number of assumptions and illusions that actually impede accounting this mean that most leaders think they are immune from being audited by the AG. Gauteng Region is one the provinces that has poor performance in terms of service delivery as the previous audit findings suggested so for the province.

Although much research has been conducted on the leadership in terms of leadership effectiveness, characteristics and traits; there is limited information about how the leaders can use innovation for effectiveness of the organization and improve the service delivery in the public sector. It is in this regard that the study investigates the leadership effectiveness and innovation at the regional office and high courts in Gauteng Province to identify leadership innovation gaps. Once leadership effectiveness and innovation of managers at the high courts is investigated and the lacks identified, findings and recommendations will be tabled on how to improve service delivery at the service points.

1.4 Purpose Statement

The purpose of the research is to explore and describe the leadership and innovation dearth at the DOJ&CD. The objective of the research is to:

i.   Explore and describe the factors that lead to the lack of leadership and innovation by the managers of the DOJ&CD at Gauteng Region and High Court.
ii. To present the findings on leadership theories, trends and patterns at the DOJ&CD.
iii. To interpret and analyses the findings, and to make recommendations on leadership strategies for consideration in the DOJ&CD.

1.5 Research Questions

The study focuses on the questions below.

1.5.1 Primary question

i.   What are the factors leading to lack of innovation in the management of DOJ&CD?

1.5.2 Sub questions

i.   What are the leadership trends in Gauteng Regional Office and High Courts?
ii. What are the leadership strategies for consideration in Gauteng regional office and the high courts?

1.6 Structure of the report

- **Chapter 1: Introduction**

Chapter one gives a general summary to the study. This chapter comprises of the definition of the problem, background to the study and contextual framework, problem statement, purpose statement, research questions that comprises of primary and sub-questions.

- **Chapter 2: Literature Review**

Chapter two outlines the basic theoretical framework of the study by providing literature exploration with regards to the topic and research questions to be addressed. The review of "Transformational Leadership" gives a broad framework that sets that basis to discuss the findings of the research and also to highlight valuable insights for further research in this field.

- **Chapter 3: Research Methodology**

This chapter defines the research process, research design, sampling method, data collection mechanism and instruments used in the study. These are all discussed in depth.

- **Chapter 4: Research Results Analysis**

The fourth chapter presents the raw data, an analysis of the data and the findings of the study. Results are presented in accordance with a questionnaire and interview generated research themes and concepts.

- **Chapter 5: Research Interpretation**

Chapter five provides the research data that has been collated, codified and clustered into themes that have emerged to provide conclusive evidence for generalization purposes.

- **Chapter 6: Conclusion and Recommendations**

In this chapter, the researcher summarizes the results of the study and presents the conclusion drawn from the study. The limitations during the study have been emphasized and the recommendations for additional research also discussed.

1.7 Conclusion

This chapter has presented background of the study, problem statement, purpose statement, research questions that are guiding the study and the layout of the dissertation. The chapter has shown that there is a need to investigate and explore the leadership and innovation at the DOJ&CD. It has provided a detailed background and rationale of the study hoping to add valuable knowledge to assist the department in managing leadership and innovation efficiently and effectively.

The chapter clearly highlighted problems that are faced by the DOJ&CD in terms of leadership and innovation dearth and something need to be done to improve the service delivery to be efficient and effective in South Africa. The following chapter outlines the literature review for the study.

2 CHAPTER 2 : LITERATURE REVIEW

2.1 Introduction

The challenges that are faced by government departments with respect to the leadership and innovation need to be clearly understood in the broader aspects of theory. The literature review highlights the aspects of the leadership and innovation within the public sector. The literature review assists in developing an argument and bringing in material of doubtful relevance (Bryman, 2012, p.100) whereas Neuman (2006, p.111) argues that a literature review is based on the notion that knowledge accumulates and the people learn from and built on what other academics have done. The literature review therefore was to review and look at the aspects of the organizational leadership trends and innovation.

The review focused on the leadership theories that were influential in the leadership of the DOJ&CD, these leadership theories that are to be reviewed are situational leadership, contingency theory, transactional leadership and transformational leadership. Most researchers have focused on transactional and transformational leadership but few deliberate on the situational leadership theories. This literature review adds to the body of knowledge on the current research as doing literature builds on the idea that knowledge accumulates and we can learn and build on the others have done (Neuman, 2011, p.124). Babbie, (2013, p.499) alludes to literature review as being concerned with digging into the body of knowledge that previous researchers have generated.

Through the literature review the conceptual framework is developed as the concepts and theories are constructed (Badenhorst, 2007, p.156). The concepts in this review included leadership theories, creative leadership, innovative leadership, bureaucracy, accountability. The literature will focus on the international sphere, Sub-Saharan Africa and in South Africa with the focus being the Gauteng Region. From the international perspective the review is based on the innovativeness and the creativity of the senior managers within the public sector and also looked at the leadership theories, these

theories are situational, contingency, transactional and transformational. The theoretical framework is the transformational leadership.

2.2 Leadership

According to Smith & Cronje (2011) leadership is the process of directing the behavior of others towards reaching the organization's mission and goals. Effective leaders tend to recognize that individuals, teams, and organizations differ in their creative problem solving styles; managing creative problem solving styles allows leaders to make a significant and important impact on performance Basadur (2004). Leaders need to be cognisant of individuals or groups, ignoring any of this perspective on human being could create leadership problems and inappropriate solutions as suggested by Yammarino (2012).

However, the lack of strategic leadership at the top leaders of the organization is a major barrier to strategic implementation which may lead to poor performance (Jooste & Fourie, 2009). All eyes in the organization are focusing in the leader to see the future for the department. From employees to the shareholders, clients and suppliers are watching each and every step of the leader so they follow. Sloane, (2006) says that an innovative leader or lateral leader always invests in painting the picture where the organization is headed.

The most effective leaders help individuals and teams to coordinate and integrate their differing styles through a process of applied creativity that includes continuously discovering and defining new problems, solving those problems, and implementing the new solutions. DuBrin (2010) argues that effective leadership is the ability of the leader to modify leadership style based on a particular situation at the time. Good leaders are visionaries who have a vision about the organization and easily get buy in from their subordinates. Great leaders can enable people to do things which they would not normally consider possible. The leader's role is more complex and ambiguous and may undermine the traditional political control. The often asked question raised by Van Wart (2003) is whether "Leaders born or made?" has still to be tested. The manager's role in South Africa is expected to be effective to improve the effective service.

Historical research on public and private sector differences and uncovering the ethos and also comparing the values of in the role of managers in both male and female Stackman, Connor & Becker, (2006). There is no difference in the values and ethos systems of the male and female managers when the comparison is done within the same division of employment in terms of effective and efficient leadership as determined by Stackman et al. (2006). The study examines innovative leadership as a core competency required by managers to manage region and high courts in Gauteng Province.

2.3 Leadership Characteristics

The characteristics associated with leadership can be classified into three broad categories which are personality traits, motives and cognitive factors, these categories of behavior serve as a helpful guides but cannot be seen as, definitive (DuBrin, 2010,p. 33). Leadership characteristics according to Boonleaing, Ngamsanit, Bunjetrit, Muldet, Kroeksakul & Sakolnakom, (2010) should have the traits that focus to the notion of vision, education and knowledge, personality, morality, attention at work, responsibility and participation.

Organisational leaders are seen as members of the organisation and of various groups and teams within the organisation and they therefore share one or more group memberships with the people they lead argue Van Knippenberg (2003, p.244). It is for this reason why Sloane (2006) painted this mental picture that the leader has to communicate the message that doing what we do now, only better, is not good enough. The people have to do something different to get transformed results. The people have to do something significantly smarter to get considerably good results. Not every leader has the capability to influence the work force to think and do things in this fashion but only those who are baptized within the culture of innovation that enables a leader to take calculated risks for the benefit of the organization.

Borins (2002) points out that the innovation process is not simply a matter of someone coming up with a good idea and the organization implementing it through its normal channels, rather innovation require advocates and often becomes the subject of

discussions within the organization. Tripathi & Dixon (2008), for example, examine the environment that has been created as neo-liberal managerialism has been juxtaposed over the traditional hierarchical structures of public administration. These authors argue that the complexity and ambiguity caused by this hybrid development creates a distinctive set of nine public-sector leadership paradoxes. The leader as a head needs to be thoroughly informed about the fundamental knowledge of the organization in order to explore all the capabilities available to take it where it is supposed to go. It appears that if every innovative leader can adopt a culture of embracing organizational vision as a tool to bring the future to the present the service delivery will be better in the public sector. During the hard periods within the country, it is expected for leaders to bring answers so that employees can be assured of their future within the department or organization. Leaders are also expected to create an environment where employees can work freely without any disruptions. The vision should highlight goals that give employees the creative space in finding ways to achieve it.

The leader that is trying to enhance creativity should remember that they are not the sole fountain of ideas; they should facilitate collaboration and also enhance diversity as argued by Amabile & Khaire, (2008). The vision as pointed out by Sloane (2006) has four elements that depend upon each other and are as follows: mission, values, culture and purpose. The purpose is the fundamental reason for the existence of the department. The mission states the purpose as a strategic goal. The culture defines the style of the organization, that is, how things are done. The values are the beliefs of the organization and represent what it stands for. Therefore, an innovative leader is expected to paint a scene that is anticipated, challenging and believable.

The other important role of innovative leader is communication, Zerfass & Huck, (2007) points out that communication should play a new role in promoting innovation management as a crucial process in today's generation and society. This can be achieved by understanding and the promoting of communication within the organization. Talking the vision is one of the vital components that draw people close together. Working together simply tells that people are to interact with each other pertaining organizational issues. Sloane (2006) suggests that the effective leader should be able

to meet people at all levels in the department and support the message, solicit their buy-in and gain feedback on their views and concerns.

It is the responsibility of the capable leader to always listen to employees when they give their advices and the employees also need to know if their comments are valuable or not. Employees continue to participate if they feel that their comments are valued. It is also good to correct employees in a polite way when they have made a mistake and to also complement them when they have achieved what was intended to be achieved. (Tischler as cited from Sloane, 2006, p.24) suggests that besides personal communication, company intranet can be used to bounce ideas. This accommodates those people who are intimidated by speaking to their leaders face to face. It also gives opportunities to those that are normally working in front of their computers.

Leadership is about motivating, inspiring mentoring people so that they feel part of the department or the organization and add to its continued existence. Successful leaders focus on leading change and adopt transformational approaches to leadership. It is very important to distinguish a difference between leadership and management. Leadership means 'an activity which produces movement, rather than consistency and order; leadership achieves such movement through three major sub processes: instituting direction, aligning people, and motivating and inspiring'. In short, 'management is designed to produce orderly results and to maintain efficiency, whereas leadership is concerned with change and movement (Jones, Blunt & Sharma, 1996). The administration in terms of leadership has contradictions, such contradictions and incongruences are manifold in today's public services, particularly in the context of recent reforms (Newman & Clarke, 2009). The roles of leaders are very broad in the public service.

2.4 Innovative Leadership

The benefits of innovation are diverse, innovation is the implementation of new ideas, innovation means taking creative ideas and making them real, implementing them (Sloane, 2006, p.7). Leaders must spend time coming with new ways of doing things in their organizations instead of them only focusing on incremental improvement. One

thing that they need to think about is to meet the needs of the clients that change every time. What is good today, tomorrow it is history. They should always find new ways to satisfy organizational corporate goals. What is required from leaders is to be radical in bringing new ideas that will either succeed or fail. Most of all they should empower their employees to be creative and adopt entrepreneurial approach to bring out dynamic changes.

While the USA makes a greater proportion of senior executive appointments on a political basis, in many parliamentary democracies the most senior appointments in the public service are made by the politicians. This would seem to place the responsibility plus minus and motivation plus minus for innovation outside the public service itself. The rationale for the system, of course, is to make the bureaucracy indirectly responsive to the public through the politicians they elect. Argue Borins (2002).

Successful innovation is the creation and implementation of new processes, products, services and methods of delivery which result in significant improvements in outcomes as well as in efficiency, effectiveness or quality of output. Effective government and public services depend on successful innovation to develop better ways of meeting needs, solving problems, and using resources (Malgan & Albury, 2003). Innovation is sometimes seen as an optional luxury or an added burden.

It should be seen as a core activity to increase the responsiveness of services to local and individual needs and to keep up with public needs and expectations

Key elements of creating a truly innovative and efficient organization:

•   Paint an inspiring vision

•   Build an open, receptive, questioning culture

•   Empower people at all levels

•   Set goals, deadlines and measurements for innovation

•   Use creativity techniques to generate a large number of ideas

- Review, combine, filter and select ideas

- Prototype the promising proposals

- Analyze results and roll out the successful projects

Contrary to the above key elements of innovation Mulgan et al.,(2003) mentioned the barriers to innovation as follows: short term budget and planning horizon, delivery pressures and administrative burdens, culture at risk aversion to mention but a few.

Sometimes, working harder in trying to improve efficiency is not a solution, but working smarter can sometimes bring solution. There is a better way of improving the organizational condition, but it requires thinking hard enough and innovative leaders. Basadur (2004) argues that innovative leaders need to learn to become process leaders rather than relying solely on their content of expertise. Everyone in the organization must feel compelled to find new better ways of the organization to do business better that its competitors in order to provide customers with new and good products.

A conventional leader is needed when command and control are required. A lateral leader is able to develop skills of the team for innovation, to bring out creativity and to encourage risk taking. Lateral leaders do not just speak of changes, but initiate it. An innovative leader uses vision as a tool to entice employees to buy in what he or she suggests that it will be beneficial for the organization. Sternberg, Kaufmann & Pretz (2003) mention leaders that are redirectors, those who steer the organization in a new direction, reconstructive redirectors who move in new direction but use the past rather than the present starting point and reinitiates those practically start from the scratch. It is also the responsibility of the leader to access the available resources and determine if they are enough to deal with the situation at hand.

In the public sector the key factor of the organization or the department is leadership as stated by Simmons (2011). Potential leaders who start out with great creative energy and rise through an organization become more institutionalized and lose their organizational zest. Institutions that promote people who conform to their corporate standards will most likely end up with efficient and hard-working leaders who operate

inside a corporate comfort zone and not innovative enough for organisation. This kind of style is not good enough for innovative culture, innovative culture requires somebody whose imagination, and vision and courage will lead the organisation into dangerous spheres for the benefit of the organization.

2.5 Accountability and Governance

Studies indicated that one of the most important factors creating distrust is a lack of accountability as Fard et al. (2007). AG's are always in the forefront in checking public accountability from the private contractors to government department mainly in classic audit functions of financial compliance says Mulgan (2006). The senior managers within the government department are not immune in the checking of accountability. The managers have to maintain good governance within the leadership in the public administration.

According to Bevir (2011) governance refers to a shift in public administration from hierarchic bureaucracy to markets and networks whereas Mkandawire (2007) says governance refers to the exercise of power to manage nation's affairs since the expression has attained the status of a mantra in the developing countries. He also states that ongoing structural adjustments throughout the regions have opened markets having a major impact on the productivity, exports and investments. New public management and governance reforms have contributed to the contemporary problems in governing (Peters, 2009). McLennan (2007) says when delivery does not meet the expectations of its citizens as it often does in the developing countries, it assumes the strategy for improvement is manipulated of the existing processes and more efficient management in terms of service delivery.

2.6 Leadership Theories

The evolving series of theories of school of thought from Great Man, Trait theories, Behaviorist theory, Situational leadership, Contingency theory, Transactional theory and Transformational theory have been explored in the past (Bolden, Gosling, Marturano, & Dennison, 2003). The early theories had a huge focus on the behaviors

and characteristics of successful leaders and the more recent theories started to consider the role of the followers and the leadership contextual nature (Bolden et al, 2003).

The Great Man Theories are based on the modest belief that leaders are unique individuals that are born with intrinsic qualities and are destined to lead (Bolden et al., 2003), the use of the 'man' in this theory has been intended as in the twentieth century leadership was seen as a concept primarily for males. Although there has been much speculation and conjecture on the relative leadership styles and strengths of women versus men, the literature is varied.

The Trait Theories focus on the list of abilities of traits that are associated with leadership which exist in abundance and therefore continue to be produced (Bolden et al, 2003). The trait theories reveal the significant relationship that exists between leadership and individual traits. From the above theories, four leadership theories are further discussed below.

2.6.1 Contingency Leadership Theory

Fiedler in 1967 developed the contingency leadership theory which characterises leaders as either relationship-motivated or task motivated (Barling, Christie & Hoption, 2007). In this case, the three dimensions that characterize a situation are; performance goal clarity, leader-follower relations and formal authority or power. These dimensions provide influence on the extent to which leader's innovation is tested and the level of control that the leaders own over work. A leader is an individual who influences others to follow her (Lorsch, 2008, p.6). Contingency theory is a leader match theory as argued by Barling et al, (2007), the authors emphasis that leader's effectiveness is determined by how well the leader's leadership style fits the context and the environment within which the organization operates.

The leader's charisma and knowledge may motivate and influence others to follow him or her. Lorsch (2008) argues that the contingency theory creates a better understanding of leadership because of various situations that are confronted by leaders in their environments. The leaders of the DOJ&CD are confronted with various situations at

their areas of responsibility as they have to ensure that all the South Africans have access to justice, also to uphold the rule of law for all the citizens. The contingency theory focuses on the contingent factor about the leader's capacity and the variables within the situation. The analysis will be done the experiences of DOJ&CD managers to explore their leadership capacity in the department in terms of performance. The contingency theory is correlated to the situational leadership.

2.6.2 Situational Leadership

There is one thing that all leaders in world have in common is they all have one or more followers, because if no one is following one cannot be leading (Vroom & Jago, 2007). The effects of situational leadership according to Vroom et al., (2007) is that organizational effectiveness is affected by the situational factors not under the leaders control, rather situations shape how leaders behave; situation also influences the consequences of the leader behavior. Hersey, Blanchard & Johnson (2012) argue that depending on the situation, varying levels of leadership and management are necessary and the leaders need to identify their most important priorities. These effects are to be explored to ascertain if they are not playing role in the effective and innovative leadership in the DOJ&CD.

Bolden et al., (2003) argue that the situational leadership approach sees leadership as being specific to the situation in which it is being implemented; autocratic leadership style is sometimes required in some situations; while other situations or circumstances may require the participative approach. The situational theory tends to focus more on behaviors that the leaders should adopt given the varied situational factors. As a result leaders can either be directive or supportive as shown in the following table:

Table 1: Situational leadership (direct or supportive behavior)

Directive behavior	Supportive/ adaptive behavior
One-way communication	Two way communication
Task thoroughly explained	Relationship orientated
Performance closely monitored	Listening, encouraging and supporting
Autocratic decision making	Involve follower in decision making

Leaders need to display directive behavior for followers who are new on the job or immature and leaders should display supportive behavior to those who are job matured. Hersey et.al (2012) argues that the situational leadership is based on the argument that there is no one size fits all approach in leadership. These authors further argue that depending on the situation, varying levels of leadership and management is necessary and leaders need to identify their most important priorities and also consider the readiness of the followers by looking at the follower's willingness and ability so that implementation can follow.

2.6.3 Transactional Leadership

The transactional leadership clarifies expectations and gives feedback about meeting these expectations; it indicates the leader predilections (Pieterse, et al., 2009). The transactional leadership builds up the transformational leadership. The transactional approach' emphasis is on the relations between the leader and the followers while the focus is on the benefits (, Bolden, et al., 2003). Transactional leadership is referred to as traditional management function of leading where the manager clarifies the role of the subordinates, initiates structure and provides appropriate reward while maintain the organizational norms and values.

Transformational leadership provides four different behaviors which are idealized intellectual stimulation, influence, inspiration and individual consideration (Barling et al , 2007) and Bolden, et al (2003) further explains that transformational leadership theory gives a central concept of change and the role of leadership in foreseeing and implementing transformation in an organizational performance. Transactional leads to the transformational leadership.

2.6.4 Theoretical Framework

2.6.3.1.   Transformational Leadership

Avolio & Yammarino (2002) believe that the notion of transformation and charismatic leadership represents a new leadership genre. The genre's theories and models broadly represent a set of approaches to understand leadership. DuBrin, (2009), argues that transformational leadership focuses on what the leader accomplished yet still pays
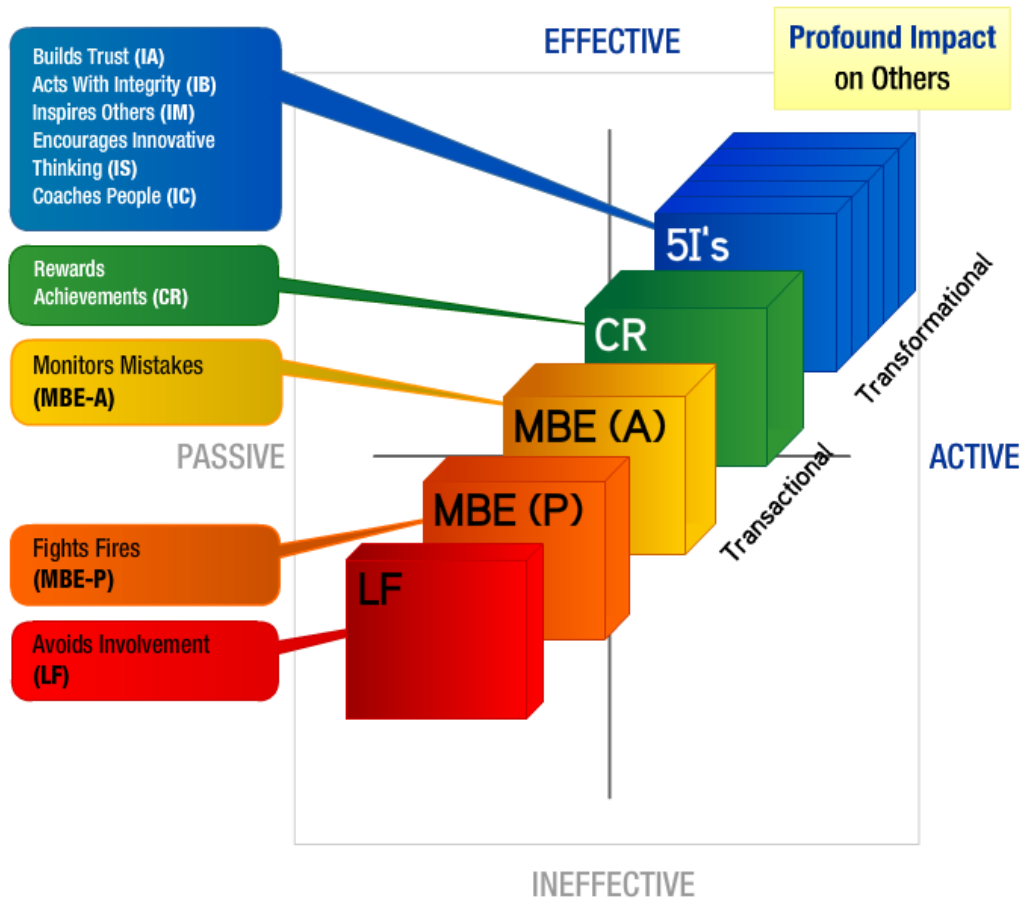
attention to the leader's personal characteristics and his or her relationship with group members. Leading by transforming followers and their commitment to the organizational mission requires a number of conditions to be met. First, leaders must inspirationally motivate employees by clearly articulating an appealing vision of the departmental mission and future.

Popa (2012) explains that transformational leaders prefer to delegate the responsibility and getting the employees to be involved in the important decisions also showing confidence in their ability to make right decisions. Northouse (2007) further argues that transformational leadership accomplishes creating something new from something old by challenging and transforming individual's emotions, values, ethics, standards, and long term goals through the process of charismatic and visionary leadership.

Transformational leadership focuses on what the leader accomplished yet still pays attention to the leader's personal characteristics and his or her relationship with group members according to DuBrin, (2009:83). Emotional intelligence has some traits in the notion of leadership effectiveness like crafting a vision, however, is not sufficient, transformational leaders must also encourage and facilitate their followers to work toward that vision. It should be noted that this emphasis on mission may make transformational leadership particularly useful in public and non-profit organizations given the service and community oriented nature of their missions (Wright & Pandey, 2009).

Transformational leadership raises high levels of motivation and morality as it raises the level of human conduct and ethical aspiration of both the leader and the led and thus has a transforming effect on both (Kouzes & Posner, 2002). The other leadership style is emotional intelligence that has some traits in the notion of leadership effectiveness. Borins (2002) points out that the innovation process is not simply a matter of someone coming up with a good idea and the organization implementing it through its normal channels, innovation require advocates and often becomes the subject of discussions within the organization. Tripathi and Dixon (2008), for example, examine the environment that has been created as neo-liberal managerialism has been juxtaposed over the traditional hierarchical structures of public administration. A basic statement of

the full range leadership model is that transactional and transformational leadership are not viewed as opposite ends of scale. The below diagram according to Bass and Avolio (2008) explains the optimal profile of an effective leader.

Diagram: The full range of leadership model, source Bass & Avolio, 2008

The diagram above shows that transformational leadership does not replace transactional leadership but it adds to it by encouraging followers and coworkers to put in extra effort. Transformational leadership as a business concept has grown significantly in its popularity simply because the majority of departments and other organizations are faced with external and internal forces that are a challenge for them. Transformational leadership is a process that changes and transforms individuals. The above diagram also displays theoretically how frequently or the degree to which the leader should display the particular leadership style.

2.7 Conclusion

In conclusion the review of the literature points to growing effective leadership knowledge that the researchers are writing on internationally. However, in the South African context there is limited research on innovation. The review on this study focused on four theories of leadership. These theories are situational leadership, contingency theory, transactional leadership and transformational leadership. The theoretical framework for this study focuses on the transformational leadership.

The transformational leadership style is recommended as it pays attention to the leadership style that is efficient and effective for the leaders and managers in all sectors. The objective of the study is to recommend that transformational leadership as the leadership style that is needed for the leaders at the DOJ&CD. The researcher was able to achieve this mission by employing the most suitable research methodology. The following chapter gives an extensive outline of research methods and techniques used to gather the data.

3. CHAPTER 3: RESEARCH METHODOLOGY

3.1 Introduction

As introduced in Chapter 1, the goal of this research study was to explore and describe the leadership and innovation at the DOJ&CD. This section describes the research methodology strategy that was selected to conduct the research. Qualitative rather than the quantitative research methodology has been used for this study, as qualitative deals with collection, analyzing and interpretation of data simultaneously (Neuman, 2006, p.46). According to Silverman (2001), methodology entails how a researcher makes choices regarding methods of gathering data, selecting cases for study and selecting means of analyzing data. This research was undertaken through the utilization of various techniques which are classified under the qualitative research method. Qualitative research uses these main research methods, ethnography/ participant observation, qualitative interviewing and focus group (Bryman, 2012, p.383).

Merriam (2002) explains that qualitative researchers are interested in understanding how people interpret their experiences, how they construct their worlds, and what meaning they attribute to their experiences. The qualitative approach enabled researcher to get a deeper understanding and examine the meaning of leadership related challenges that the managers face while working for the DOJ&CD. The approach was also used by the researcher to investigate the leadership and innovation trends in the DOJ&CD.

Furthermore, according to Mouton (2001, p.194) qualitative research has the following advantages:-

- It studies people in terms of their own definitions of the world
- It focuses on the subjective experience of individuals, and
- It is sensitive to the contexts in which people interact with each other.

The approach further permits for the researcher to be a primary instrument for data collection and analysis (Merriam, 2009). The purpose of this chapter therefore is to:

- Discuss in detail the research approach that was employed in relation to other approaches.
- Discuss the research paradigm and select the appropriate paradigm for the study.
- Discuss the research strategies and the selection of the chosen strategy for the research.
- Provide data collection and sampling mechanism
- Discuss the reliability and validity
- Evaluate information gained from the sample

The researcher was involved in all the processes from conception to the finalization as the researcher is working for the DOJ&CD. This interaction with respondents during interviews provided the researcher an opportunity to listen to the challenges of the managers and also to ascertain if these challenges are not barriers to effective and innovative leadership.

3.2 Research Approach

It is very important to establish the research paradigm when embarking on the research process (Neuman, 2006 p.165). This research investigated the leadership and innovation in the DOJ&CD, the investigation was based on the effectiveness and innovativeness of the leaders or managers of DOJ&CD and the study analyzed if there is a lack of innovation within the leaders in the department. The research employed qualitative research because it intended to investigate, explore and describe possible factors that lead to lack of innovation at the DOJ&CD leadership.

The two general approaches to research are the inductive and deductive approaches as explained by Saunders, Lewis & Thornhill (2009, p.127). The authors further stress that these approaches are differentiated as follows: the inductive approach is known as building the theory where the researcher starts with data collection in an attempt to develop a theory: the deductive approach is also known as testing a theory, is when the researcher develops a hypothesis or theory and design the research strategy to test a formulated theory.

Table 2 below provides a critical analysis of the differences between deductive and inductive research approaches.

Table 2: Research Approaches

Deductive Approach	Inductive Approach
Generalizes from a sample to the population	Applies ideas across contexts
Tests hypotheses born from theory and make use of scientific principles	Generates and gain understanding of meanings human attach to events and from patterns
Focuses on control to establish cause or permit prediction	Focuses on interpreting and understanding a social construction of meaning in natural setting
Attends to precise measurement and objective data collection	Attends to accurate description of process via words, text and observation
Prefers standardized tests and instruments that measure constructs	Prefers interviews, observation and documents
Uses statistical complexity and uses statistical scales as data	Uses conceptual complexity and uses text as data
Conducts analysis after data collection	Conducts analysis along with data collection
Often measures a single criterion outcome (albeit multidimensional)	Offers multiple sources of evidence (triangulation)
Often uses large sample sizes acceptable margins of error or determined by power analysis	Often studies single cases or small groups that build argument for the study's conformability
Uses reliable and valid data	Uses trustworthy, credible and coherent data
Researcher independent of what is being researched.	The realization that the researcher is part of the research process

| The necessity of selecting samples of sufficient size in order to generalize conclusions | Less concern with size to generalize the conclusions |

It is also an Interpretive Social Science, as Neuman (2006, p.101) explains that the interpretive approach is the systematic analysis of socially meaningful action through the observation of people in natural settings in order to arrive at understanding and interpretations on how people create and maintain their social world. Merriam (2002, p.6) explains that in basic interpretive qualitative study, the researcher is interested in understanding how participants make meaning of a situation or phenomenon the meaning is intervened through the researcher as instrument.

The main reason for adopting this paradigm was that the research attempted to investigate, understand and interpret challenges and to find out if there is a lack of effective leadership and innovation in the DOJ&CD. This approach enabled the researcher to carry out in depth in-depth investigations of experiences of the leaders and managers of the DOJ&CD on the effective leadership and innovation trends.

3.3 Research Design

A basic interpretive qualitative study was used in this research using the face to face interviewing strategy. This method involved obtaining the data directly from the sampled individuals (Bryman, 2012, p.386). In this process the researcher set aside her own experiences and understanding in order to understand those of the participants in the study (Creswell, 2003). The purpose of using the qualitative research approach was because the researcher intended to investigate, explore and describe the factors that lead to the lack of innovation in the leadership of the DOJ&CD.

The research topic required descriptive and exploratory approach in a way in which innovation is utilized by the DOJ&CD leaders to champion and advocate the service delivery. Merriam (2002) states that a basic interpretive and descriptive qualitative study exemplifies all the characteristics of qualitative research, such as the researcher is interested in understanding how participants make meaning of a situation or

phenomenon this meaning was mediated through the researcher as instrument, the strategy was inductive and the outcome is descriptive. The reality about the leadership and innovation at the DOJ&CD has been derived from the description of how the leaders tackle the issues of internal controls, governance and accountability in the department.

The other social reality in leadership is on how to be diligent and vigilant in their work and sustain good governance as good governance can only contribute to improving the delivery of justice services to all. If a researcher believes that the reality consists of a fluid and variable set of social construction, she or he may adopt a suspicion and politicized epistemology stance, and employ methodologies that allow the researcher to deconstruct version of reality as argued by Terre Blanche, Durrheim & Painter (2006, p.7). These authors also argue that for this methodology to be employable the researcher starts with a set of vague speculations about the research question and tries to make sense of the phenomenon by observing a set of particular stances.

3.4 Data Collection Methods

The data collection identified by this research was both primary and secondary data for the purpose of holistic understanding of the problem statement. Merriam (2002, p13) states that there are three traditional sources of data in qualitative research study, those are, interviews, observation and documents. Data has been collected from both primary and secondary data sources in the DOJ&CD for the purpose of accomplishment of the study. The study focused on a small scale of participants who were sampled from the Regional Office and the High Courts at the manager level in Gauteng Province.

The researcher made an initial visit to the Regional Office and High Courts to meet the managers for the interviews, a schedule was agreed on for interviews. However due to the 5th democratic elections in South Africa that took place in early 2014 made is difficult for the researcher to secure the interview schedule with the managers. It was only after the after the elections that the researcher managed to secure the face to face interviews with the managers from both the regional office and the high courts.

3.4.1. Primary data

The primary data was collected through the semi-structured questionnaire; the semi-structured questionnaire had open ended questions which the researcher asked the participants face to face during the interviews. The purpose of the schedule was to allow evenness and improvement reliability. The respondents had a time to choose the applicable words and will determine the length of the interview. There was no intimidation to the participants as the researcher's probes were in order.

3.4.2 Secondary Data

The other data was collected from the DOJ&CD documents review which include annual reports, audit reports and departmental policies. The researcher also used the library to source relevant books and journal articles.

3.5 Sampling

The sampling method that was used was the non-probability purposive or judgmental sampling. Since the research was subjective towards innovative leadership the respondents were selected through non-random purposive sampling method to get the information from selected individuals who gave the most relevant information. According to Neuman (2011, p. 222), in purposive or judgmental sampling, a researcher uses a wide range of methods to locate all possible cases that fit particular criteria. The goal of purposive sampling was to sample participants in a strategic way so that the sampled participants are relevant to the research question (Bryman, 2012, p.418.).

Purposive sampling was the most appropriate sampling method in the selection of prospective respondents for the research to ensure a reasonable balance and coverage. Babbie (2013, p.128) describes the purposive sampling as an appropriate sample that focuses on the basis of knowledge of population, its elements and the purpose of the study. Due to time limitations, the sample comprised of 11 managers from the DOJ&CD Gauteng Region Office and High Courts from the Gauteng Province in South Africa.

Table3: Number of Managers who participated in the Study

Division and Purpose	Number of Managers participated
Regional Office	7
High Courts	4

3.6 Data Analysis

The data analysis is a stage that incorporates several elements (Bryman, 2012 p.13) whereas Lapan & Quartaroli (2009,p.260)argue that analysis of data involves reducing the many words, images, or artifacts that are collected during the research projects into more manageable form to tell a story about the people or group that is the focus in the research. The data are analyzed by the incorporation of transcripts then followed by the thematic analysis. In this research study data was analyzed from primary resources and also from secondary resources as mentioned and outlined above. The data collected in this research study was mainly in the form of text and interview transcripts and the content analysis was used in this research study. "The criteria for deciding which forms of data analysis to undertake are governed by fitness for the purpose and legitimacy, the form of data analysis must be appropriate for the kind of data gathered" argues Cohen, Manion & Morrison (2007, p.86).The researcher also used triangulation to cross check the multiple data sources, this process was used to increase the trust in the validity of the study also summarizing a mass of data collected into meaningful theme. This process helped to evaluate the extent to which all evidence converges.

3.7 Validity and Reliability

The researcher strived to ensure that reliability dependability or consistency was equated to researcher's position, triangulation and audit trail whilst validity was equated to truthfulness or correctness of the validity and reliability according to Neuman (2011, p.196) refers to truthfulness and he further argue that in qualitative research, the interest is in the authenticity of understanding truth. Two major types of validity are internal and external. Internal validity refers to the ability of the methods used to

describe the subject matter accurately while external validity refers to ability of the findings of a particular study to be generalized. According to Bryman, (2012, p171) validity concerns itself with integrity of the conclusions that are generated from the piece of research. Neuman (2011, p214) states that reliability refers to how dependable measures adopted are and able to give consistent results, whereas Goddard & Melville (2006, p41) argue that there are two fundamental criteria for measuring data; reliability and validity.

This research focused on the validity and reliability to ensure trustworthiness. The research used primary data through thick description to intense understanding of leadership challenges at DOJ&CD. For purposes of verifying information that is obtained from the semi-structured eleven interviews recorded and transcribed. The information was analyzed as was obtained without distortion. Due to time constraints the researcher had to employ other techniques such as triangulation, in particular use of multiple data sources, and reconfirming with interviewees which could have enhanced internal validity. Neuman, (2006, p.49); Welman, Kruger, & Mitchell, (2005, p.143) argue that triangulation is the credibility of information is enhanced when is corroborated.

Being a qualitative research, it is not about whether the results can be generalized. Due to the number of interviews and participants it was difficult to generalize the findings however the researcher got the opportunity to engage with interviewees to have in-depth understanding of the leadership trends and challenges at DOJ&CD.

3.8 Evaluation of information gained from interviews

The information that has been gathered from the interviews is compared with the issues that emerged in the literature review. It is expected that the data collected through the interviews will confirm or dispute the information that are reflected in the literature review.

3.9 Ethical Considerations

Welman & Kruger (2001) indicate that ethical considerations come into play when participants are recruited, during the intervention and in the release of the results obtained. According to Gilbert (2004) before interview conducted, consent should be

granted by participants and assurance of protection of his/her identity must be given. The researcher gave participants Informed Consent Letter which describes the purpose of the study. Participant's confidentiality and privacy were protected to ensure voluntarily participation; the researcher included the protection of the information on the letter to all participants. The researcher acknowledged all information obtained from literature sources by making references in the research report to the relevant sources where applicable (Gilbert, 2004, 69). Contribution from non-academic sources like newspapers was also acknowledged (Gilbert, 2004, 70).

3.10 Limitations of the Study

The study was affected by time constraints as when the researcher started with the study, the elections also started in South Africa, most of the managers were busy with the election campaigns. The interview dates and times had to be shifted several times prior to the days the researcher managed to interview the respondents prolonging the data collection period. The other issue affecting data collection was the vastness of the Gauten region. The distance from one office to another was more than 70 kilometers, for example, and this made it to be impossible for a researcher to cover all offices. Additionally, ensuring the availability of managers in all offices for interviewing became a difficult task to accomplish.

Based on the above point, non-probability purposive sampling was appropriate to select offices and participants. In addition, the researcher has selected Regional Office, North Gauteng High Court, South Gauteng High Court and the Labour Court due to volume of justice services rendered respectively. Regional Office represented high volume of justice service participants and High Courts represented low volume justice service courts.

3.11 Conclusion

This chapter presented the methodology and the applied method of collecting information in the study. A research approach and design was explained in detail. Ethical considerations and limitations of the study were discussed. The following

chapter will introduce the presentation of data collection through the interviews conducted and also the body of knowledge in the literature review.

4. CHAPTER 4 : PRESENTATION OF FINDINGS

4.1 Introduction

The high courts are superior courts that deal with serious criminal and civil cases (DOJ & CD, 2010). These courts deal with cases that are sometimes referred from the Magistrates courts, other cases are allocated by the National Prosecuting Authority (NPA). In the past, the courts were managed by judicial officials who had several duties in addition to being presiding officers. The court management concept was established in 2005 to ensure the smooth running of the courts. The name of the concept was '*Reagaboswa'* which means new beginnings, which intends to facilitate the separation of duties to allow judicial officials to focus on judicial matters while the management component deals with administration of the courts and also give support to the judiciary. The above initiative led to the creation of positions for court managers at all courts and regional managers at regional offices to deal with the administrative aspects of the courts.

The findings of this study where data was gathered through the use of in-depth face to face interviews are presented in this chapter. The research was conducted at the DOJ&CD in the Gauteng Province the "City of Gold" in South Africa. The data was collected from 11 managers from the Regional Office and the High Courts in Gauteng Province in South Africa. The men formed a larger proportion of the respondents in this study, out of the eleven respondents only three were women. The ages of the managers interviewed ranged from 36 to 45 years old. Among managers interviewed 70% were married, 20% were single and 10% divorced. The researcher noted that out of 11 managers interviewed 2 were whites and 9 were blacks, there were no coloureds or Asians. All managers interviewed were in possession of the degrees two managers were pursuing post graduate degrees. The interview guide was used and it is attached as appendix 4.

The data presented are the responses from the respondents. The data sought to investigate the factors that lead to the lack of innovation and leadership by the management of the DOJ&CD in the Gauteng Province in an effort to find answers to research questions presented in chapter one and outlined here below:

i. What are the factors leading to lack of innovation in the management of DOJ&CD?

ii. What are the leadership trends in Gauteng Regional Office and High Courts?

iii. What are the leadership strategies for consideration in Gauteng regional office and the high courts?

The data presented here is derived from face to face interview responses and the document review on the factors and challenges that lead to the lack of innovation in the management of DOJ&CD in Gauteng Province. A total of 11 managers were interviewed from the Regional Office and the High Courts in Gauteng Province. The respondents were assured of anonymity and the respondents acknowledged the consent and agreed to be interviewed and this form is also attached as an appendix 3.

Table 4: Nature of participants for interviews

Participant Identification Symbol	Position	Division
M1	Court Manager	High Court
M2	HR Manager	Regional Office
M3	Legal Services Manager	Regional Office
M4	Internal Audit Manager	Regional Office
M5	Registrar	High Court
M6	HR Senior Manager	Regional Office
M7	Finance Manager	Regional Office
M8	Security and Facilities Manager	Regional Office
M9	IT Manager	Regional Office
M10	Court Manager	High Court
M11	Court Manager	High Court

After target audience was interviewed, a qualitative method was employed to analyse the content of the interviews. The results obtained were regarded as only representative

of the management population at the Regional Office and the High Courts in Gauteng Province only and not the DOJ&CD as a whole.

The semi structured interviews held with the managers highlighted the leadership challenges. The researcher collected the data through the one-on-one, face to face interviews. All the data collected were electronically recorded. Table 4 above shows the nature of participants for the entire individual interviewed. The data is presented in two parts. The first part presents demographic data of the respondents; the second part of the data is concerned with the issues raised by the respondents regarding the leadership trends and the challenges that the managers of DOJ&CD faces that prevent them from being innovative leaders are discussed.

4.2 Demographic Data

The main respondents were managers from the Regional Office and the High Courts in Gauteng in this study. The data about their age, marital status, and ethnicity and education level was asked. Further to this the data about their designation, current position, number of years in the position and number of years in the department was asked recorded. A total of 11 managers were interviewed out of eleven managers, eight were men and three were women. The ages of the respondents ranged from 36 to 45. Of all the managers who were interviewed when analyzing ethnicity only two were white candidates and nine were African.

4.3 Presentation of findings

The data collected from individual respondents through interviews were put into four categories based on the responses from the questions on the interview guide. The categories are:

- Knowledge of vision and mission of DOJ&CD
- Innovation and leadership trends at the DOJ&CD in Gauteng region and high courts
- Innovativeness by managers
- Leadership

All responses from respondents were presented in reported form; this means that no direct quotes were used from the respondents.

4.3.1 Knowledge of vision and mission of DOJ&CD

All the participants were asked the question on the vision and the mission of the department. The vision of the DOJ&CD is "A transformed and accessible justice system which promotes and protects social justice, fundamental human rights and freedom" and the Mission is "We commit to provide transparent, responsive and accountable justice for all" (DOJ&CD, Service Delivery Charter, 2013). The service delivery charter further explains the DOJCD strategic objectives which are:

- Improve the administration of justice through special emphasis on good governance and accountability;
- Provide effective and efficient justice services through facilitating the resolution of criminal, civil and family law disputes; and
- Provide a transformed legal service that advances the interests of government and the people of South Africa.

Most of the participants did not know the vision and mission of the department. The researcher gleaned this from the unsatisfactory responses that they gave. This was a great concern to the researcher as the participants are members of the Executive Committee (EXCO) in the Gauteng Region the main concern was that how then the managers would achieve the strategic objectives and the annual performance plans if they don't know the vision and mission of the department. This issue was repeatedly raised by the respondents' perceived ignorance of their real purpose within the department.

4.3.2 Innovation and Leadership trends at the DOJ&CD in Gauteng region and high courts

During the interviews the researcher noted that leadership trends within the managers of the DOJ&CD vary according to the sections that the managers are employed in within the department. It should be noted that the respondents mentioned that the DOJ&CD is far from being transformed due to the way it operates, the main issue that was

mentioned by the respondents was the two minority languages English and Afrikaans are still in use in courts after twenty years of democracy in South Africa. This bilingual preference marginalises the other official languages that are then perceived motto be good enough to be used in court. The respondents mentioned that the courts need to be transformed so all citizens can get better service in the courts.

The tendency of using the courts to benefit the rich was also mentioned by the respondents, this issue was raised when the courts' outreach was mentioned. According to the managers, few of the citizens know about the services that are rendered in court and the majority is not aware of their right. It should also be noted that the Regional Office that was recommended by the respondents as the office that has drastically transformed was the one that currently has at its helm an African female, and also the managers are representative of all persons who live in South Africa.

4.3.3 Innovativeness by managers

Most of the managers when they were asked about the innovation question they mentioned that it was not easy to be innovative within the department due to the inadequate budget and the red tape. Most managers mentioned that due to the policies and prescripts that guide them it is not easy to be innovative within the department as they are guided by the rules of the department. The managers indicated that unless one wants to be condoned for not abiding by the rules, there is a long process to follow. The interviews revealed that the managers' lack of innovation could also be ascribed to the directors and managers at the high courts who did not let them undergo the relevant training, as most respondents mentioned that they didn't attend training that is relevant to their work.

The researcher noted the two common causes of lack of innovation in managers in both the regional office and the high courts, these two are budget constraints and lack of relevant training. The other issues that were mentioned by the respondents that cause them not to be innovative were bureaucracy and segregation of duties of the high court managers. An additional reason that was mentioned by the managers was the issue of prescripts that always had to be complied with. The researcher noted that the majority of the respondents concurred that there is lack of innovation at DOJ&CD due to the

above mentioned barriers that stop these managers to be innovative leaders in the justice fraternity.

4.3.4 Leadership

The interviews revealed that the leadership at the regional office is adequately aligned to be able to give support to the high courts. The managers at the regional office are there as the point of contact between the national office and the courts, this means the national office sends information to the regions and the regions disseminates the information to all the courts and also give support to the courts. Whereas the interviews also revealed that there was a need to segregate responsibilities of managers at the high court instead of managers at the high court being generalist. In other words, there must be a manager for each functional area, for example, an assistant manager responsible for finance and auditing, another for human resources, yet another for facilities and securities.

During the interviews the researcher noted that at the court level the managers are performing all the functions totally different to the regional offices and there is no adequate support structure with relevant skills to support the managers. It should be noted that there is a Registrar in all the high courts; the Registrar is responsible for quasi-judicial or legal section of the court. This section deals mainly with Case Flow Management in the court; this is the only position that supports the managers on law related section. There are no senior positions to assist with finance and auditing, human resources, facilities and securities.

The study showed that, once the above issue is resolved, the leadership and innovation of managers may improve and lead to improved service delivery and unqualified audits. The study showed that all managers in all directorates at regional office and high courts need to display leadership qualities. These components were analysed when the questions relating to leadership were asked, questions with these concepts:

- Leadership achievements
- Leadership challenges
- Leadership characteristics

- Innovative leadership
- Transformational leadership
- Leadership skills improvement
- Project management

The interviews also revealed that the managers at the high court under the supervision of the Court Operations Directorate at regional office were responsible for the overall management of courts services at the court levels.

The following are the duties of managers at the high courts:

- coordinating and managing financial and human resources of the office;
- coordinating and managing risk and security in the court;
- managing business plan processes, facilities, physical resources, information and communication related to courts;
- implementing departmental policies at the high courts, leading ; and
- managing transformation of the office and projects intended to improve court management

Based on the above mentioned duties, the researcher noted that managers are crucial personnel at the high courts. High courts will not achieve their intended goals if they are managed by leaders who are not innovative and who have no good leadership skills to perform all the duties that they are employed to perform. During the interviews, the researcher observed that managers in both high courts and regional office lacked the skills to manage change, strategic plans, project management, budgetary processes and the performance management system (PMS). The researcher also observed that managers at the high courts do not possess an advanced competence to innovatively lead the high court as their present skills set was just adequate for them to manage high courts.

4.3.4.1 Business Strategic Planning

The study revealed that both managers from the regional offices and the high courts are extremely involved in the business and strategic planning of the department. The interviews revealed that in each financial year the managers from both the regions and

the high court held a strategic planning session through which the strategy of the national department is discussed and where the regions align their own strategy to the national strategic plans. The regional office managers also discuss the strategy with the high court managers, in these strategic plans session the high court managers align their own strategy to the regional office strategy for the financial year. The challenge that was mentioned by other respondents was that the implementation of the strategies sometimes does not happen due to the inadequate budget or budget constraints.

4.3.4.2 Budget Process

The researcher believes that the managers were not sufficiently innovative or creative to bring new ideas and dimensions into the high court management system. During the interviews, it also came to light that the limited resources allocated to them led to the perception that they were not competent to manage the high courts. The perception reinforced the notion that the managers are expected to manage the courts with what they have and also come up with best practices for the courts. For example, if an insufficient budget is allocated to the high courts, managers were bound to overspend due to unforeseen circumstances, such as circuit courts, witness fees and casual interpreters fees, for which one cannot budget as it is not known how many witnesses will be testifying in court and how many foreign language and casual interpreters will be needed to interpret in a particular financial year. The managers would normally work on estimated budget.

It should be noted that the managers at the regional office are there to support the courts, but due to the number of courts that they give support to they sometimes don't give enough support to the courts. In terms of budget process at the regional office the researcher noted that there is also inadequate budget allocation at the regional offices as managers mentioned that they always overspend on the budget allocated to them in almost every the financial year.

4.3.4.3 Training and Project Management

Interviews with managers revealed that few managers have attended training to assist managers to be innovative in their areas of responsibilities. This example was provided when on the researcher queried the department's change management.   The high

court managers being transferred to the Office of the Chief Justice (OCJ) were unable to lead or manage change because they didn't attend any training on change management and were also not involved in the planning stage of the change management. They only participated in the implementation stage, which made it difficult for them to lead and manage change. The transfer of the high court from the DOJCD to the OCJ was a good example of how project management skills were applied by both regional and high court managers. The fact was that most managers did attend training on project management but have never applied the project management skills at the workplace.

Information and Communication Technology (ICT) was given as an example to illustrate the limited training offered to the managers at the court level. The training was done at the national and regional level whereas officials that utilized these systems are situated at the court level. ICT changed to the Integrated Case Management System (ICMS) and the Digital Court Recording System (DCRS), which were suddenly implemented without the managers' or end users' involvement in the initiation and planning stages thereof. The managers argued that the ICT system is failing to produce intended results to the courts because end users were not requested to give their inputs during the initiation and planning stages of new ICT systems. During the interviews, it was also revealed that, in order for the high court managers to be innovative, new systems should be tested before implementation to ascertain whether they would meet high court operational requirements as high court deal with different cases from other courts. This showed that leaders were not capable to lead change due to their lack of involvement in the planning of new projects to be implemented by the department.

The researcher further gathered from the interviews that managers also manage the performance of court officials as part of their duties. During the interviews, it came to light that the new format of the Performance Management System (PMS) was introduced and yet no training was received for the new system. This deficiency made it difficult for the managers to implement and manage PMS. The main reason for the existence of the PMS is to develop officials and reward individuals who perform well as an incentive to improve service delivery. The development of employees through the

PMS is the primary aim, while rewarding them is the secondary aim. The interviews revealed that high court managers and officials regarded the PMS as a primary source of obtaining bonuses and not of developing their skills. It is clear from the above that high court managers lack leadership skills to manage performance at the high courts.

The interviews revealed that managers were not strategically fit to empower administration officials at the court level because they lacked the primary skills required of a leader, namely project management, strategic planning, budgetary process and change management. The study revealed that regional office executive management should focus on training managers in the above-mentioned competency skills and allocate sufficient financial and human resources to improve service delivery and also improve innovation level of high court managers. Manager's argument is that their poor skills to manage courts cannot be dealt with in isolation as it is a combination of many issues, such as training, resource allocation and working conditions. The interviews revealed that there was a need to segregate responsibilities instead of managers at the high court being generalist. Similarly, there must be a manager for each functional area, for example, a manager responsible for finance, another for human resources, yet another for facilities. The study showed that, once the above issues are resolved, the leadership and innovation of managers will improve which should also facilitate service delivery and unqualified audits.

Table 5: Perceived challenges within the DOJCD

Challenge	No of respondents who mentioned the challenge
Budget constraints	10
Inadequate training	8
Bureaucracy/ red tape	9
Segregation of duties	4

4.4 Conclusion

The researcher witnessed that there was a need to improve manager's innovation and leadership levels in strategic planning, budgetary processes, change management and

project management. Managers at the RO in the directorates of Human Resources Development, Court Operations, Legal Services and Information Technology are knowledgeable enough to lead and support high court managers. However, the same cannot be said of the managers at the high court as there are enormous challenges that the court managers are facing like the issue of inadequate budget and lack of training. There is no doubt that managers at the four directorates at the regional office have the required leadership skills to support and manage the high courts in Gauteng Province. However, their leadership and innovation skills could be complemented by having the necessary or sufficient human and financial resources at the court levels with a working environment conducive to improve service delivery.

The managers at the regional office directorates are supposed to work hand in hand with the managers at the high courts. The role of the managers at the regional office is to support high court managers in managing the high courts in Gauteng Province. The interviews discovered that the managers of the four directorates had the necessary leadership skills. However, all the managers at the high courts need to develop further leadership skills as there is a shortage of leadership skills and support at the court level. Managers that are not competent won't be able to manage court effectively.

From the interviews, it was clear that managers at the high courts lacked the required leadership skills to manage change, business or strategic plans; they also need training and education related to management, empowerment, project management, information technology and budgetary processes. Nevertheless, their leadership and innovation skills could be enhanced if they received the necessary training, adequate budget and operational resources to manage the courts effectively. During the interviews, it was indicated that managers' inputs should be considered for internal processes related to operational matters especially when new systems are introduced in the department. The respondents were of the opinion that high courts required managers responsible for each functional area such as human resources, information technology, facilities and securities to mention but few. The researcher noted from the responses that, for managers to be innovative and creative more support from the region, training and development is needed to improve their level of leadership as this will improve service

delivery and eliminate qualified audits. The following chapter will discuss the analysis of the findings that were discussed on this chapter.

5. CHAPTER 5: ANALYSIS OF FINDINGS

5.1 Introduction

This chapter analyses and discusses the data presented in the previous chapter; the data is discussed in relation to the aspects of leadership and innovation presented in the literature review and the conceptual framework in chapter two. The main focus is on the issues of transformational and innovative leadership and also the challenges that are faced by the managers at the regional office and the high courts that hinder them to perform their duties innovatively. Innovative leadership is further discussed as a tool for transformational leadership that enhances effective leadership which leads to good service delivery and clean audit for the department. The analysis tries to give meaning to data and provides answers to the research questions.

As indicated on chapter one, the performance of any organization, large or small, is directly related to the quality of its leadership. In contrast, this research specifically looked at the innovation and leadership at the DOJ&CD and at the challenges thereof faced by managers at regional office and high courts to achieve service excellence and clean audits. In short the researcher attempted to answer the following questions: What are the factors leading to lack of innovation in the management of DOJ&CD? What are the leadership trends in Gauteng Regional Office and High Courts? And lastly what are the leadership strategies for consideration in Gauteng regional office and the high courts?

5.2 Theoretical Framework of the Study, transformational leadership

The theoretical framework provides the basis for the discussion as the researcher intends to adopt the inductive approach as a way of analyzing the findings of the study. Transformational leadership focuses on what the leader accomplished yet still pays attention to the leader's personal characteristics and his or her relationship with group members DuBrin (2009,p.83). The researcher noted that most of the respondents mentioned the notion of lack of transformation within the department be it in administration or judiciary.

Leaders who are transformed have a belief of delegating the responsibility and getting the employees to be involved in the important decisions also showing confidence in their ability to make right decisions (Popa, 2012). This is not the case at the DOJ&CD as many respondents mentioned that they are not involved in important decision making like the strategy for the department is finalized at the national office and the managers are expected to align their performance plan and implement the deliverables for each financial year

According to (Kouzes& Posner, 2002) transformational leadership raises high levels of motivation and morality as it raises the level of human conduct and ethical aspiration of both the leader and the led thus it has a transforming effect on both; Northouse (2007) alludes to the use of transformational leadership to create something new from something old by challenging and transforming individual's emotions, values, ethics, standards, and long term goals through the process of charismatic and visionary leadership. This is not the case at the DOJ&CD as the managers are demotivated by lack of support at their courts and also in terms of insufficient budget allocation every financial year. This is particularly challenging for the managers as sometimes it compromises their ethical values and fall into a trap of corruption.

The research showed that the DOJ&CD leaders focus is more on transformational leadership as the department is still having challenges with the transformation of the justice system. The transformational leadership refers to leaders who can transform their units without prejudice and favours. During the interviews some of the respondents mentioned the issues of favouritism within the other sections of the department in terms of allocation of more budged in other sections than others. Bass et al., (2008) argues that transformational leadership entails the leader who builds trust with the colleagues and acts with integrity and also inspires others. This was not the case when the respondents were answering the questions as they were not happy with the leadership style of their leaders. The other respondent mentioned that they don't trust their superior due to many reasons; one of the reasons was that the leadership of the department does not inspire their subordinates such as a simple issue of teambuilding as there is always no budget for that.

The findings on this study suggested that the justice system is not transformed to the level that it is should be even after 20 years of democracy. For the department to be innovative, transformation need to be prioritized by all sections of the department be it at the regional office and also at the court level. The transformed leader encourages innovative thinking and also coaches people (Bass et al, 2008). The respondents when asked about their understanding of the concept "Innovative Leadership" in the justice fraternity and how does the innovative leadership differ from other leaderships, the answers showed that the respondents are not being encouraged to be innovative thinkers they just follow the policies and prescripts and not inventing any new innovations for the department.

Transformational leadership style leads to rewarding achievements and currently this is not the case with the DOJ&CD. Most of the managers or leaders of the department are demotivated with many issues as there is no clear direction on issues of that will lead the department to a transformed one. Based on the literature on transformational leadership, the key characteristic is delegating the responsibility and getting the employees to be involved in the important decisions also showing confidence in their ability to make right decisions.

5.4 Creating innovative culture through transformational leadership at DOJ&CD

Innovative culture is relatively at a slow pace in South African public service as compared to other countries. Management or leadership plays a critical role in creating an innovative culture within the departments and organizations. For the leaders to be innovative there are risks to consider that can impede on the innovativeness of the managers. The leaders have to manage these risks proactively for them to achieve the innovative culture. These risks are political, economic, social, technology, environment and legal. This study was aimed at exploring the leadership and innovation at the DOJ&CD and further looking at the innovation dearth at the DOJ&CD.

The interviews showed that there are areas where the leaders are lacking innovation. Most of the respondents mentioned the barriers that are causing them not to be

innovative within the department like holistically implementing and complying with prescripts that are not even discussed to them as they are the implementers at the operational level. Over the years, various authors in their studies discovered that leaders behave differently because of their leadership styles, personalities as well as qualities (Avolio& Bass, 2002; Lindegaard, 2009).

According to Sloane (2006) an innovative leader is perceived as an innovative minded person who always looks for opportunities to create a culture where employees become creative. One of the correspondents mentioned that it was difficult to be innovative at DOJ&CD due to bureaucracy that kills the passion of government employees such as the approval of memorandums that takes forever and sometimes defeats the purpose that were intended to achieve. Innovation is a big idea with a big potential that can change the department, but it is wise to approach it in small steps meaning the implementation to start gradually argue (Munshi, Oke, Stafylarakis, Puranam, Towels, Moslein & Neely, 2002).

The White Paper on Transformation of the Public Service (DPSA, 2003) discusses the BathoPele principles in detail and the current challenge according to some respondents is resistance to change. Transformational leadership is concerned with binding people around a common purpose but goes beyond traditional reward or punishment motivation and also transformational leaders engage and empathizes with followers (Munshi et al, 2002). Based on the literature the key elements of creating a truly innovative and efficient organization were identified: as paint an inspiring vision; build an open, receptive, questioning culture; empower people at all levels; set goals, deadlines and measurements for innovation; use creativity techniques to generate a large number of ideas; review, combine, filter and select ideas; prototype the promising proposals and analyze results and roll out the successful projects.

The identified elements of creating a truly innovative and efficient organization are linked with the elements of transformation leadership as raises high levels of motivation and morality as it raises the level of human conduct and ethical aspiration of both the leader and the led thus it has a transforming effect on both (Kouzes et al., 2002).

5.5. Things that are working well

Transformation is aimed at creating a democratic state based on dignity, equality, human rights, constitutional values and the rule of law; each dimension of transformation racial and gender representivity, increased access to justice. The department of justice in South African government has a huge role to play as it represents the independency of the judiciary which has separation of power from the government. The need to address the racial inequalities resulting from apartheid and diversify the government administration is fundamental element of transformation due to the overwhelming predominance of certain racial group in the departments due to apartheid-era.

This is the case at the Gauteng regional office and the high court as the structure in all section is well represented. The support structure for the courts at the regional office is functioning fairly well this structure consists of the following directorates: Regional Head Office, Human Resources Development, Court Operations, Legal Services, Internal Audit, Finance and Information Technology. These directorates are transformed as compared to previous situations where not all races and gender were represented and currently all races and genders are represented in all the above directorates. Transformation in terms of female in leadership is partially happening at the regional office as the Regional Head and Director Court Operations are African females, this was not the case few years ago within the department.

The directors in all these directorates are responsible on ensuring that the high courts have necessary support to render the service delivery to the citizens. The managers of the high court get support from all the directors and managers at the regional office as these managers act as a link between the courts and the national office. For the regional office to fully support the high courts; creation of innovation has to feature. According to Isaksen & Tidd (2006) and Urhuogo (2011) the creation of innovation culture requires personality traits such as openness to ideas, pro-activeness, openness to actions and tendency of taking risks. Therefore this puts emphasis on the creation of the innovative culture that leads good leadership trends within the Gauteng regional office and the high courts. Gender equality is still a challenge in many sectors as

women were previously deprived of the rights to lead in big organizations. However, the Gauteng regional office and the high court have more female managers that are at the executive positions.

The study that was done in New York on leadership and innovation revealed that neither growth nor innovation is part of the strategic planning process (Barsh, Capozzi & Davidson, 2008). This means that most managers do not include growth or innovation on their strategic plans. The department does integrate innovation and growth informally in its strategic plan. The value of the innovation in the public sector is more complex as the role of the state is not to create profit. The innovation in the public sector can be defined as the process of generating new ideas, and implementing them to create value for society which in turn will uplift the service delivery in the department. The practical example that the department has embarked on is the piloting of the video remand system that is utilized at the court especially for criminal cases. The main objective of implementing the video remand system is to save costs on transporting the prisoners from the correctional services centers to the courts for the purpose of postponing the cases. This helps the department to save a lot of money and also helps with extra space at the court cells as these cells are small with not enough capacity. The video remand system helps with the effective and efficient utilization of the courts at large.

For the past two financial years the regional office and the high courts didn't get audit qualifications. This is due to the commitment of managers at both the regional office and the courts. The hard work and mentoring which is instilled by the leaders to the junior staff members of the department helped the department to get a clean audit from the AG. The meetings with all stakeholders of the department are a good innovative plan that helps the department to perform much better. The example is the meetings that are held by the managers with the judiciary on issues like finance. The judiciary is always made aware of all budget process because of these meetings and this eliminates audit findings. The audit readiness report which are done on a monthly basis and support that other offices are giving each other are the key instruments to eliminate audit findings.

The transformational leadership style has achieved the recruitment of competent and educated officials in leadership position within the department this was not the case few years ago as the government was focusing on cadre deployment and not on education and proper skills for the leadership positions. In the study that was done by Popa (2012) on the topic of the relationship between leadership effectiveness and organizational performance it was explained that transformational leaders have belief of delegating the responsibility and getting the employees to be involved in the important decisions also showing confidence in their ability to make right decisions. Therefore the strategy of recruiting competent educated officials rather than cadre deployment is the key for the Gauteng region as employees are involved in making important decisions and also accountable for all the decisions that they make in their areas of responsibility. The vacancy rate at the Gauteng regional office is low as the regional strives to reach the set target by the national office. All the high courts have a very low vacancy rate instead there is a need to employ more officials in the courts and there are no vacancies on the establishments of the courts.

The achievements through the transformation of the justice system saw the employment of the young graduates to lead and manage within the region and the high courts in Gauteng region of the DOJ&CD. The other achievement through transformation is the improvement on service delivery in some courts through the support of the regional managers. The best practices from other department helped the Gauteng leadership to improve the service delivery in the courts and also the support for judiciary is maintained at a high level.

The researcher noted that the infrastructure in terms of the court buildings and the security is of good quality in the regional office and high courts; the transformed justice system is also benefiting all citizens who live in South Africa. The value of public sector improvement is key at the department; one respondent mentioned that the department is focusing on better achieving of individual outcomes benefits such as performance bonus for top performers, health and wellness screenings that are done on a quarterly basis. The health and wellness screenings are very vital in ensuring that the stressful situation and health issues are dealt with timeously by all employees. The other aspect

that the region is focusing on is safe and sustainable work environment for the officials and the public. The department is looking after the officials' needs in ensuring that the officials enjoy the work that they are doing so that service delivery challenges are limited.

The case flow management system which is newly implemented by the judiciary and administration has improved the management of the case processes drastically in the high courts. The pre-trial conferences that are held regularly prior the trials helps the litigants on early settlements of the cases and also the costs are reduced drastically for all litigants. Once pre-trial conference were introduced and made part of the practice manual/directions, litigants were forced to participate even though the initial stages were reluctant but they have since come to the party. The other advantage of the pre-trial is that the formalities of the court are not important. The case flow management system also helps the financial managers to save on costs on logistics for preparing the cases that are in other provinces.

There is also an element of strengthened democracy, citizen engagement and participation, ensuring accountability, transparency and equality for the users of the department. The Gauteng regional and high conducts the Imbizos to teach the public about the services that are rendered in courts as most of the citizens still don't know their right and services that are done in courts. The public participation is the cornerstone of the department in ensuring that the mandate of the department is done.

5.6 Areas of improvement

The DOJ&CD has to improve on ensuring that system works, the leadership has to ensure that the vision and the mission of the department is upheld by all officials who works for the department. The findings show there is a lack of innovation in the department of DOJ&CD. The annual reports of previous financial years from the AG on leadership stated that the leadership did not exercise adequate oversight with respect to the monitoring of the implementation of internal policies and procedures of the department to address the processes pertaining to the monitoring, management and reporting of performance information at the overall performance management level and

programme level. The region and the high court have good policies and procedures that are in place and that need to be implemented. There is a serious lack of implementing those policies which leads to non- compliance and audit findings.

There is also a lack of monitoring and evaluation (M&E) of the procedures at the regional and at the court levels. The regional office does not have a directorate that focuses on monitoring and evaluation. This directorate is very vital for the region as monitoring and evaluation seeks on improving performance and achieving results. It is also a goal to improve current and future management of outputs, outcomes and impact. The Gauteng regional office needs to look at establishing M&E directorate that will monitor other section in the aim of improving performance and also achieving results. The M&E directorate will assist in ensuring that there is monitoring of the programmes at the regional office and the high courts in Gauteng Province.

The AG's findings in previous years were that leadership did not adequately exercise oversight responsibility regarding financial reporting and related internal controls over the administration of the Third Party Funds to enable the fund to submit credible and timeous financial statements for auditing also the implementation of internal policies and procedures of the department to address the processes pertaining the monitoring also managing and reporting performance information at the overall performance management level; and programme level were inadequate. The main cause of these findings by the AG are due to the issue that was mentioned by the high court managers of being generalists in court, segregation of duties is not existing in high courts.

The court managers are generalists as there are no human resources, financial and security managers at the court levels. The study that was done by Barsh, Capozzi & Davidson (2008) on leadership and innovation recommends that the managers who are best performers or who already act in an organization should be selected to be innovative leaders of the department, this will improve their coaching and facilitation skills so that they can build the capabilities of other people involved in innovation efforts more effectively. The researcher fully concurs with that as the innovative leaders can improve the performance of the department at large.

When recruiting for leaders in the region and high court age has to be looked at as currently the age of the respondents was ranging from 36 to 45 years old. The young graduates need to be employed in leadership position to ensure continuity in within the department. There are new innovations that are to be implemented and most of these innovations are learnt from school and the young leaders can implement the new leadership innovative ideas in the department. Recruiting younger graduates in leadership positions will also help with the succession plan for the department. Currently the department is like a factory where it produces good leaders and they leave the department as there are no development and succession plans in place. The rotation of managers in leadership position may also encourage the managers to enjoy working for the department as this will open opportunities for growth.

The DOJ&CD has a college named Justice College that is aimed at training both judiciary and administration on the skills that will help in improving the performance of the department. This College is not fulfilling its mandate as it is mainly focusing on training the judicial officers instead of also empowering the administration officers who are giving support to the judiciary. The court personnel have to have an ongoing training as they are the forefront of the courts and to give service delivery to the citizens. The court personnel deal with lay persons who do not know the processes and procedures to follow in court they have to be user friendly at all times. The society at large will feel that they are not marginalized or left out in the transformation. When the personnel is trained at the Justice College they will be able to fully assist the public members with useful information on court process in return this will help with the case backlog challenges as cases will be dealt with outside the court. Currently the public members have no confidence in the Justice System as the other responded mentioned that lay persons thinks that the department favours rich people.

The problems facing the justice system today is delay and complexity. Rules are generally flouted and time frames simply ignored. This should not be allowed to continue by the leaders of the department. Access to justice is denied and frustrated. In my view for civil justice system to ensure that access to justice is realised. The areas of improvement in this regard should be that the system should be fair and be seen to

be just in the results it delivers. It must ensure that litigants are afforded an equal opportunity regardless of their means to assert or defend their legal rights. Litigants should be treated equally or alike and be afforded an opportunity to state his/her case and similarly to answer his/her opponent's case and at the moment it is not the case. Leaders should ensure that cases are dealt with speedily without any undue delay, the managers and the presiding officers should take charge or control the proceedings to ensure that unnecessary postponements are discouraged. The civil process should be effective and with adequate resources and proper organisation and if this system is applied and problem arrears identified litigation would be inexpensive, quick and will provide certainty and equality.

With case management the adversarial civil system where litigants run the court would be reduced because presiding officers will intervene early and ensure that the rules are not ignored. Early settlement would be encouraged and achieved costs would as a result be reduced. The minority of our people and the concomitant effect is that our poor and middle class people are denied access to justice. In addition to improving access to courts and to promoting awareness of and commitment to remedying the problems of all South Africans, transformation should aim to increase the sense among all people that the justice systems belongs to them and is not merely a tool in the hands of the elite. Feelings of belonging and of ownership are arguably as important as structural guarantees in promoting the use of courts as a means of solving disputes and of improving quality of life for all people.

The budgetary constraint is the other area that most of the respondents mentioned as the main challenge in the department. The allocation of the budget need to be improved in the department as it hinders innovativeness by all managers in the regional and high courts in Gauteng. Managers are unable to plan properly as they always receive insufficient budget every financial year. This causes service delivery challenges that have to be attended by the managers of the department. Every financial year the managers are requested to submit their budget needs and the amount thereof, but the budget allocation does not talk to the budget needs. The interdependent factors that are lacking within the department due to the budget constraints are that the department

over the years has failed to do the public outreach campaigns as this involves budget and other stakeholders. Public education, legal public education and awareness by the department are not done. In the 20th anniversary of democracy there are still people who do not know the mandate of the department. Also there are people who know that there is constitution but they don't know their rights

Innovation is essential to guaranteeing the social ideal and to strengthen the economy of the country. Bureaucracy or red tape is the other challenge that delays the service delivery in the department. The memorandum signatures are way too much and other cause of audit findings as sometimes it takes longer for the approval of a request due to non-availability of a senior manager and the deadline will not be met by a particular office. This kind of structure causes managers not to be innovative as they are not given a space to think out of the box.

When new information technology systems are introduced in the department training is done at the national level and not at the operational level. The users are not informed and consulted about the new systems that the department is introducing to the department. The managers at the operational level are expected to implement new systems with no adequate training this opens gap for corruption and poor service delivery in the department. The system called Justice Departmental Accounting System (JDAS) that was introduced for Third Party Fund (TPF) in 2010 is an example of the system that the department introduced to the users and managers without proper consultation and training. The system is more of an administration system and it is used as a financial system and it is not user friendly also it is easily manipulated. Currently the department has opened a lot of criminal cases against the officials who manipulated the system. In addition, the department needs to look at the electronic system that will introduce a paperless society. The court personnel need to be properly trained in this regard as this will help the department to save the costs of paper and it will promote green society.

Improved telecommunication is also suggested for the department especially for the courts as almost all South Africans have access to cellphones, reminders of the court dates may be sent to the users of the court via massages on the user's cellphones. This

will eliminate case postponements and also promote more communication with the citizen. The whole world is on social media the department should look on how it can use the social media for improving the service delivery at large. Knowledge database is also suggested where the public members can rate the service that they receive from the regional office and the high courts. The knowledge database will also serve as the public participation initiative as currently the public is not fully participating in the department.

The last area that needs to be improved is the departmental website, the regional office information is on the website but the actual functions of the regional offices are not on the website. The high courts do not have websites which will be easily accessible to the users of the court and all stakeholders. The website needs to be implemented for all the stakeholders of the court to access the daily court rolls and other important information that they may require about the high courts. The website will act as the advertiser of the court as it is cheaper than radio or television advertisement. It is very crucial for all the high court to have their own website to promote justice system for all the public members.

5.7 Conclusion

In conclusion the interpretation and analysis of findings of the study pointed the fact that the DOJ&CD has drastically transformed but there are still areas of improvement that need to be implemented in order for the department to be one of the best performers in South African government. The lack of the innovation by the leaders of the department is not assisting the department to move forward.

Therefore, in order for the leadership to be innovative, it is strongly advised that the leaders should take serious consideration in participating in important training programmes to improve their ability to be innovative. The final phase of the study leads to the conclusion and recommendations that are outlined in the next chapter.

6. CHAPTER 6: CONCLUSION AND RECOMMENDATIONS

6.1 Conclusion

6.1.1 Introduction

The chapter draws conclusion and recommendations of the study by bringing out main findings from the issues relating to leadership and innovation regarding the managers of the Regional Office and the High Court in the Gauteng Region. The summary looks at all aspects that brought about the reasons of doing this research. This study sought to explore and describe the leadership and innovation dearth at the DOJ&CD in the Gauteng Province.

The study also intended to present the findings on leadership theories, trends and patterns at the DOJ&CD and also to interpret and analyses the findings, and to make recommendations on leadership strategies for consideration in the DOJ&CD. Eleven respondents drawn from the regional office and the high courts in Gauteng were interviewed. These respondents provided information which formed the basis of the findings of this study. It has been these findings that inspired some of the recommendations for consideration on leadership strategies at DOJ&CD Gauteng Province. The conclusion and recommendations will be presented in this chapter.

6.1.2 Conclusion

At the beginning of the study, it was stated that the purpose of this research was to explore and describe the leadership and innovation dearth at the DOJ&CD. The main objectives of the research were: to explore and describe the factors that lead to the lack of leadership and innovation by the managers of the DOJ&CD at Gauteng Region and High Courts; to present the findings on leadership theories, trends and patterns at the DOJ&CD; and to interpret and analyses the findings, finally to make recommendations on leadership strategies for consideration in the DOJ&CD. On the basis of the main objectives, a theoretical analysis of Transformational Leadership as a framework was provided so that arguments and assertions given in the study could be understood within the context of Public Administration.

As argued in the literature review, the literature points to a growing body of knowledge on effective leadership knowledge that all leaders talk about and the lack of innovation leadership knowledge holistically. Internationally, the researchers are writing about effective leadership while in the South African context there are limited that debates on innovative leadership. The factors that lead to the dearth of leadership and innovation at the DOJ&CD Gauteng Province are very ambiguous as the justice system is a critical and complex component of any country. The main factor that most respondents mentioned during the interview was the issues pertaining to budgetary constraints, as the main challenge that causes these leaders not to be innovative. There are other factors which are linked to the main factor such as lack of proper training, bureaucracy and the inadequate segregation of duties.

The literature review tabled the characteristics of the innovative leader and also gave the key elements of creating a truly innovative and efficient organization. These elements enable the leader to paint an inspiring vision, build an open, receptive, questioning culture, empower people at all levels, set goals, deadlines and measurements for innovation, use creativity techniques to generate a large number of ideas; review, combine, filter and select ideas, prototype the promising proposals, analyses results and roll out the successful projects. This was not the case at the DOJ&CD as the respondents were more on the negative side in relation to the key elements that make individuals innovative within the organisation. The literature review looked at four leadership theories and these theories are situational leadership, contingency theory, transactional leadership and transformational leadership. The theoretical framework for this study focused on the transformational leadership.

This was a basic interpretive qualitative study on leadership and innovation at the DOJCD's regional office and high court in Gauteng Province, South Africa. The data were collected through interviews from eleven managers. The participants were chosen using purposive method.

The results of the interviews with managers were also discussed within this context. The research study revealed that innovation and managerial leadership are crucial to ensuring that Public Administration maintains its vision and mission in accordance with

legal mandates, which is not the case currently at the high courts since the Public Service is facing challenges in respect of leadership skills to manage high courts. The above deductions were made on the basis of the findings of the interviews, official reports and literature reviews.

The researcher noted from the interviews that the lack of leadership innovation, the inability of leaders to lead and lack of innovation skills have a negative effect on service delivery at the high courts. The study showed that managers at the regional office should drive the strategy of the Department, implement programmes to achieve strategic goals, lead and manage transformation of the office, and manage the business plan of the DOJ & CD.

However, the interviews revealed that high court managers were not involved in strategic planning, project management or budgetary processes and also had inadequate training. Therefore, the managers lacked the leadership innovation to lead at their areas of responsibilities which are the high courts. The study showed that leaders in the public service should possess the following leadership skills: innovation, change management skills, project management, managing performance and empowering officials. It was noted from the interviews that managers at the high court and managers at the regional office lacked the above mentioned skills. The study also showed that the need existed for the segregation of duties. However, the managers at the high court tended to be generalist. In other words, a manager should be responsible for only one function, for example, administration.

It was noted that the high court, court managers are generalist. The study revealed a different synopsis as far as the managers at the regional office as the directorates are responsible for managing specialized sections. Therefore, they were having right leadership skills and it was easy for them to be innovative in their sphere of operations. It was also noted from the interviews with managers that they lacked training in the main strategic leadership skills. The study showed that high courts are allocated resources that are not adequate for high court managers to operate effectively and efficiently.

6.2 Recommendations

6.2.1 Introduction

The recommendations will focus on the DOJ&CD Gauteng Province; the national DOJ&CD which means the whole South Africa; the Continent; and the Global community. The recommendations for future research will be tabled in this chapter. The managers at the regional office and high courts have a vital responsibility for responding both technically and conceptually to such a dynamic environment. Based on the above, the following recommendations are made to improve leadership and innovation at the regional office and high courts in Gauteng Province in order to improve service delivery.

6.2.2 Recommendations to the Regional DOJ&CD

- **Recommendations on training and the framework of innovative leadership**

Recommendations to the DOJ&CD in terms of the training and the framework of innovative leadership made to raise the leadership level in a quest to improve service delivery at the DOJ&CD. The research study revealed that governance and managerial leadership are crucial to ensuring that Public Administration maintains its vision and mission in accordance with applicable legislations. This is not currently the case at the high courts since the Public Service is facing challenges in respect of lack of innovative leadership courts. The above deductions were made on the basis of the findings of the interviews, official reports and literature reviews.

- **Recommendations in terms of segregation of duties and responsibilities**

It is recommended that there must be segregation of duties and responsibilities to prevent managers at the high courts from performing all the functions in courts as the duties for the managers at the regional office are correctly segregated. High courts need to have a manager per section, for example, a manager for human resources section who have human resources qualification who will manage the recruitment, performance management, and employee function at the department; a manager who has financial qualifications should be appointed to manage only the finance section; as well as a risk manager to manage occupational health and safety, security and facilities in court. This

will ensure effective governance and accountability in the Public Service and more specifically at the high courts in Gauteng Province.

- **Recommendations on budget allocation processes**

It was realized that managers at the high courts were not fully involved in strategic planning, budgetary processes or project management as these are done by the managers at the regional office. The high court managers are only invited to the strategic session where they are informed of how much budget they will receive for the financial year. During the interviews, it was indicated that activities related to budgeting, strategic planning and project management were assigned to managers at the National Office, thus denying managers at the lower courts the opportunity to plan properly and give inputs on what was happening at operational level. During the interviews, it was also revealed that programmers were imposed on managers and that they were instructed to manage, which resulted in their leadership skills being questioned because were not involved in the strategic planning at the beginning of the financial year. The researcher recommends that both managers at the regional offices and the high court be involved from the initial stage of strategic planning for each financial year and all budget inputs to be taken into consideration.

6.2.3 Recommendations to the National DOJ&CD

The strategy of the department is drafted and approved at the national level; some of the strategic planning does not impact on the region and the courts as they are not relevant to the work done in those divisions. The project management is supposed to be compulsory to all the court managers as managing a court is a project on its own. The national level should ensure that project management is included as one of the requirements when advertising the court manager position. Also managers at regional and high court should be involved from the beginning of the budget process as they are fully aware of the spending trends at their respective offices.

Performance Management System has to be discussed with the regional and high court managers before the roll out. This will eliminate grievances from disgruntled employees in the department.

Information and Communication Technology system cannot be enrolled without proper training to all the managers who are expected to implement the programme. Proper consultation of all stakeholders prior enrollment has to be done to ensure that all employees know what they are doing and to avoid manipulation of the systems for corruption purposes.

Based on the above, it is recommended that the National Office involve managers at the regional and high courts in strategic planning, project management, budgetary processes, performance management system and information technology to improve their leadership skills and innovativeness. Regional and high court managers should be involved from the start of the planning to the end of the programme. Once the above leadership strategy is developed, service delivery at the high courts will improve, which will result in unqualified audits of the regional and high courts in Gauteng. Furthermore to all the above recommendations for department, it is recommended that leader and innovation study be done on the Judiciary. The managers' main function at the court and regional office is to give support to the Judiciary; it is recommended that Judiciary be also tested on their strength on leadership and innovation.

It is further recommended that the department be guided by the NDP on the chapter that talks about improvement of justice and the rule of law to facilitate the achievement of the NDP for the year 2030.

6.2.4 Recommendations to the Continent

Transformed justice system and the adhering to the rule of law within the African continent are very vital. Leaders need to be innovative to conquer the ills of the past within the African continent. The Southern African Development Community (SADC) can learn some lessons on this study as some countries around the SADC are facing leadership challenges. Researchers mentioned countries like Zimbabwe and Lesotho that are facing leadership challenges. Innovative leadership can be a good initiative for these countries. The African Court of Justice which is aligned to the African Union (AU) may learn something on how to adhere to the rule of law in Africa.

6.2.5 Recommendations to the Global Community

The global community still has a lot to learn in terms of innovative leadership, it is recommended that other countries in the entire world should lead by example and be innovative. The United Nations (UN) is there to guide other countries in the world to be innovative and to be effective and efficient and ensure that all people in the world get good service from their states. Good governance goes hand in hand with innovation as the leaders get be accountable to the people they lead in the entire world. The International Court of Justice which is the primary judiciary branch of the United Nations based at Hague in the Netherlands can learn some innovative leadership strategies from this study.

6.2.6 Recommendations for the future research

From the study, it is clear that there are challenges concerning leadership and innovation at the regional office and high courts in Gauteng Province. The findings of the study are regarded as being common to the regional office managers and all high court managers in Gauteng Province and as being representative of the total population of regional office managers and high court managers in Gauteng Province. The question remains whether the findings of the study are representative of the rest of the regional office managers and high court managers in South Africa. Therefore, it is recommended that further research on the leadership and innovation at the DOJ&CD regional office managers and high court managers throughout South Africa be done. It is also recommended that research be conducted to ascertain if the leadership is transformed in the entire Public Service.

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8. Appendices

Appendix 1: Letter asking for permission from the Regional Head of the DOJ&CD, Gauteng Province

Department of Justice and Constitutional Development

Gauteng Regional Office

Schreiner Chambers

Enquiries: T. Mashologu

24/01/2014

To: Ms. Emily Dhlamini

Regional Head

Gauteng Regional Office

PERMISSION FOR MS THEMBAKAZI MASHOLOGU TO UNDERTAKE RESEARCH ON THE TOPIC: LEADERSHIP AND INNOVATION AT THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

I, Thembakazi Mashologu, am currently completing a Master of Management in the field of Public and Development Management at the University of Witwatersrand (Wits). The title of my dissertation is "Leadership and Innovation at the Department of Justice and Constitutional Development"

Your permission is kindly requested to allow me to conduct the research with the leaders/ managers at the Regional Office and the High Courts. The research will involve interviewing managers in the Gauteng Region.

My interview protocol is attached.

Yours Faithfully

Thembakazi Mashologu

Approved/Not approved

Regional Head: Gauteng Region

Date: ....

Appendix 2: Research topic and research protocol submitted to the Regional Head

LEADERSHIP AND INNOVATION AT THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

A research report submitted to the Faculty of Management, University of the Witwatersrand, in partial fulfillment of the requirements for the degree of Master of Management (in the field of Public and Development Management).

School of Public and Development Management

University of the Witwatersrand

By

Thembakazi Mashologu

RESEARCH PROTOCOL

I**, Thembakazi Mashologu** undertake to follow the below ethical considerations during my research process

ETHICAL CONSIDERATIONS

The following ethical considerations will be observed by the researcher during data collection.

Ensuring that permission is obtained

It is important that official channels are cleared by formally requesting permission to carry out a study. For this research, the interviews will only be carried out when permission has been granted to do so by the Regional Head of the Gauteng Region.

Ensuring participants have given formal consent

Before collecting data from the participants, the researcher will hold brief meetings with the participants, to inform them of the purpose of the study. During that process, participants will be requested to indicate their willingness to participate in the study.

Ensuring no harm to participants

The researcher will ensure that the participants are not harmed or exposed to harm. The researcher will ensure that no force or weapon will be used to coerce participants to divulge information or to participate in the study.

Ensuring confidentiality and anonymity

The researcher will ensure that the identity of all participants is protected. The data will also be used for the purpose of the research only and will not be given to anybody, except for the research supervisor who might request it as evidence that interviews were conducted.

Name: Thembakazi Mashologu

Date: 24 January 2014

Appendix 3: Informed consent for the respondents

My name is Ms. Thembakazi Mashologu; I am currently studying for a Master Degree in Public and Development Management at the University of Witwatersrand. I am conducting a research on "Leadership and Innovation at the Department of Justice and Constitutional Development". The study is strictly for the purpose of the award of the Master Degree in the field of Public and Development Management.

For the success of this study your participation is necessary because of the experience that you have in the department. You will be asked to answer few questions. Your participation will be voluntary. You are also assured of anonymity and confidentiality.

I,………………………………………………………, hereby give permission to the researcher to interview me and electronically record all information I provide during the interview in a research entitled "Leadership and Innovation at the Department of Justice and Constitutional Development" conducted by Ms. Thembakazi Mashologu who is currently studying for a Master Degree at the University of Witwatersrand.

I have understood the purpose of the study, and my participation is voluntary.

Signature: …………………………….   Date: …………………………………...

Appendix 4: Interview guide and research questions

The interview guide for the Managers of the Department of Justice and Constitutional Development at the Regional Office and High Courts in Gauteng Province, South Africa.

Name of the interviewee	
Designation (position)	
Number of years in the position	
Number of years in the department	

Introduction:

The purpose of this research is to investigate, explore and describe the leadership and innovation at the DOJ&CD. The findings in this study will be used specifically for academic purposes.

Section A: Demographic data

1. Age   :

2. Marital status   :

3. Ethnicity   :

4. Education Level   :

Section B: Questions

1. What is the vision and mission of DOJ&CD?

   Answer_____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

2. Is this vision and mission achieved? (Probe: if no why? if yes how?)

   Answer_____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

3. Why did you work for DOJ&CD?

   Answer_____

   _____

   _____

   _____

   _____

   _____

   _____

4. Are your goals being achieved in this Department?

   Answer_____

   _____

   _____

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_____

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_____

5. What achievements have you made as a leader?

   Answer_____

   _____

   _____

   _____

   _____

   _____

   _____

6. What challenges do you encounter?

   Answer_____

   _____

   _____

   _____

   _____

   _____

   _____

7. What challenges does the department face if any?

   Answer_____

   _____

   _____

   _____

   _____

   _____

   _____

8. Which one do you think is the main challenge in the department? (Probe, Why?)

   Answer_____

   _____

_____

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_____

_____

9. How can the challenges mentioned above be overcome?

   Answer_____

_____

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_____

10. When you think about the word "leadership" what comes to your mind?

   Answer_____

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_____

11. What are the characteristics of a good leader? Please describe them.

   Answer_____

_____

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_____

12. Which of those characteristics do you think you have?

Answer_____

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13. What is your understanding of the concept "Innovative Leadership" in the justice fraternity?

Answer_____

_____

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14. How do the innovative leadership differ from other leaderships?

Answer_____

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_____

15. What do you know about "Transformational Leadership"?

Answer_____

_____

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_____

16. What have you done to improve your leadership skills over the years? (Probe: taken a course, had a mentor, read a book, attended a course)

Answer_____

_____

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_____

_____

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_____

17. Does your employer expose you to different management training courses?

Answer_____

_____

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_____

18. If yes to the above, Name the courses and the benefit derived thereof.

Answer_____

_____

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_____

19. Are you involved in the strategic/ business plans processes within the department and how?

Answer_____

_____

_____

_____

_____

_____

20. Are you involved in budgeting process of the department and what is your role?

    Answer_____

    _____

    _____

    _____

    _____

    _____

    _____

21. Explain your engagement on project management and how many projects did you managed in the past few years?

    Answer_____

    _____

    _____

    _____

    _____

    _____

    _____

22. Did your department achieve non-audit qualifications for the past five years?

    Answer_____

    _____

    _____

    _____

    _____

    _____

    _____

23. If your answer is YES to the above, what was your role as a manager in ensuring non-audit qualifications?

    Answer_____

    _____

_____

_____

_____

_____

_____

'Thank you for participating in the interview and your contribution is valued a lot'.

Participant Name_____

Participant Signature_____

Date of interview_____