



THE JUDICIARY OF UGANDA

Investigation and Management of Complaints by Registrars

A presentation at the Induction/Orientation Training of Newly Appointed Registrars and Magistrates, at Colline Hotel, Mukono

by

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Presentation Outline

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General overview of the position of the duties of Registrars

- ❖ As you are no doubt aware by now, the position of High Court Registrar is a constitutional position, under **A 145 of the Constitution**
- ❖ The Article provides for the appointment of a Chief Registrar, and such a number of Registrars as Parliament may by law prescribe
- ❖ In line with the above provision, **S 43 (1) of the Judicature Act, Cap 13/2000**, provides for the appointment of Registrars at all levels, including the Chief Registrar, Registrars, Deputy Registrars, and Assistant Registrars.
- ❖ The duties of Registrars flow from those of the Chief Registrar, and include overseeing all court operations, monitoring and enhancing the quality of services, and assisting the Hon. The Chief Justice, The Hon. The Deputy Chief Justice, and The Hon. The Principal Judge in supervision of Courts – **S 15 (2) of the Administration of the Judiciary Act, 2020**
- ❖ Registrars as such head Court Registries, supervise Support Staff, are Sub-Inspectors, and are Sub-Accounting Officers – **The Judiciary Schedule of Duties and Key Performance Indicators for Registrars and Magistrates , 2016**
- ❖ The other duty of the Chief Registrar is to interface with Government and the general public (**S 15 (2) (e) of the Administration of the Judiciary Act**), and this in turn is a duty that flows down to Registrars
- ❖ Its from the above that Registrars receive, investigate and manage complaints from court users and other stakeholders in the administration of justice



Brief overview of the governing Law and Codes of Conduct

- ❖ All Judiciary Staff, both Judicial and Support, form part of the Judiciary Service, managed by the Judicial Service Commission – **§ 13** of the **Administration of the Judiciary Act, 2020**
- ❖ All Staff of the Judiciary are accordingly expected to uphold the Judicial Code of Conduct, and to promote honesty, integrity, and transparency – **§ 14** of the **Administration of the Judiciary Act, 2020**
- ❖ Accordingly, all Staff of the Judiciary are expected to adhere to the following 6 Principles laid down in **The Judicial Code of Conduct**:
 - i. Independence
 - ii. Impartiality
 - iii. Integrity
 - iv. Propriety
 - v. Equality
 - vi. Competence and Diligence
- ❖ Judiciary Staff are also of course expected to observe both **The Uganda Public Service Standing Orders, 2021**, and **The Code of Conduct and Ethics for Uganda Public Service**



Forms of Complaints

- ❖ I'm unable to find a formal definition of the term 'Complaint' in all the provisions dealing with complaints and related proceedings regarding the administration of justice, quite surprisingly
- ❖ A simple google search on the other hand gives the following (convenient for the present purposes) definition of the term 'Complaint', to mean: “ ... **an objection to something that is unfair, unacceptable, or otherwise not up to normal standards ...**”
- ❖ From the above definition, complaints received by Registrars will usually be of the following 3 types:
 1. Informal complaints against systemic challenges, such as delayed fixture of cases, misplacement and or loss of files and records, and the likes
 2. Formal complaints against systemic challenges, such as delayed fixture of cases, misplacement and or loss of files and records, and the likes (at present at the Criminal Division, the biggest genesis of formal complaints is delayed Records for appeal purposes)



Forms of Complaints ..continued

3. Informal complaints against individual management of cases, including interestingly, the management of cases by Judges!
4. Informal complaints against individuals, especially against Support Staff, in respect of management cases
5. Formal complaints against individual Officers, especially against Support Staff, in respect of management cases
6. General complaints, usually driven by lack of knowledge, or a misunderstanding of procedure



Investigation and Management of Complaints

- ❖ Investigation and management of complaints largely depends on the nature of the complaint; informal complaints will usually only require informal approaches, while formal complaints may require formalities
- ❖ Suffice to note however that operating an '**Open Door Policy**' personally works wonders in not only managing complaints, but also in keeping them to the bare minimum, particularly formal complaints
- ❖ Ordinarily, both formal and informal complaints are usually investigated and settled by calling for the relevant file, and summoning the relevant Support Staff
- ❖ If the complaint is informal, all one does is informally call for the file and or the relevant Staff, and have the complaint redressed there and then; rarely will it be necessary, feasible, nor advisable to make formal responses



Investigation and Management of Complaints..cont'd

- ❖ Even in formal complaints, it is common to have the above informal redress, given that in most cases, the parties will be at the same time making a physical follow up
- ❖ In other instances of formal complaints, summoning of parties may be necessary, especially in matters being heard by the Registrar him or herself
- ❖ Ordinarily in instances of formal complaints, all the Registrar needs to do is minute an Instruction or comment on the complaint itself, and as said, rarely will it be necessary, feasible, and or advisable to make formal responses
- ❖ **It is wise to consult** in complaints over matters before Judges, especially where the Registrar is uncertain of the most appropriate reaction, or in controversial, and or sensitive matters



Management of serious Complaints

- ❖ When a complaint is severe and is likely to lead either to disciplinary proceedings, criminal proceedings, or both, then it must be handled formally, in writing
- ❖ In case of a Support Staff member, then **Section f-t (on pages 127-133) of The Public Service Standing Orders, 2021** will have to be followed
- ❖ In case of a Judicial Officer, then **Regulations 28 - 29 of The Administration of the Judiciary (Inspectorate of Courts) Regulations, SI 92 of 2023** will have to be followed
- ❖ In management of these kinds of complaints, and in line with the above provisions, there are 3 cardinal principles that have to be borne in mind:
 - i. Everything has to be done formally (in writing)
 - ii. The Officer being accused must be accorded a fair hearing (accorded the right to respond)
 - iii. Due process has to be emphatically followed



Management of serious Complaints ...cont'd

- ❖ It has to be remembered that Courts (nowadays through Judicial Review) have time and again emphasized the need to strictly adhere to rules of fairness and procedural propriety in administrative disciplinary proceedings – see **Kiwanuka Kunsu Stephen v AG, HCMC/208/2017**
- ❖ The rules of fairness are indeed more or less to the same standard as the rules that apply to civil proceedings, perhaps only less stringent on the standard of proof



In-house Complaints

- ❖ As noted at the beginning, Registrars are the managers of their respective Stations, and are also Sub-Accounting Officers of these Units
- ❖ Inevitably complaints will arise by staff, between staff, on all sorts of issues, but invariably over management of funds, from even Judges themselves
- ❖ The most practical way of redressing these kinds of complaints is through informal engagements, by way of simple meetings and face to face engagements
- ❖ It may however occasionally be necessary to take remedial action to re-dress in-house complaints, especially those emanating from Judges against their own Staff, and these kinds of situations are quite common



In-house Complaints...Cont'd

- ❖ The easiest way to handle these kinds of complaints is through simple internal re-shuffles, transfers, and re-deployments, following informal engagements of all the affected parties
- ❖ At times it may be necessary however to have a Staff moved away, following persistent complaints, or at the insistence of a senior Officer such as a Judge
- ❖ In such a situation, it will be imperative to engage the Office of the Commissioner Human Resource, especially as it is quite often difficult to take formal action, as that may amount to premature initiation of disciplinary action
- ❖ If the worst comes to the worst, then a formal request for transfer may be initiated, preferably on some 'innocent' ground



Minimising of Complaints

- ❖ As said at the beginning, it is impossible to avoid complaints, unless one simply sits idly in office and resorts to reading papers and enjoying coffee
- ❖ The best approach that in my view works wonders, is again, **operating an open door policy**
- ❖ The other effective ways of Minimising internal complaints are the following:
 - i. Holding internal meetings
 - ii. Transparent management of resources, notably finances, through **Finance Committees**
 - iii. Regular formal and informal communication
 - iv. Delegation of duties
- ❖ The other effective ways of minimizing external complaints include the following:
 - i. Adhering to standard procedures and practices
 - ii. Promoting efficient service delivery and good time management
 - iii. **Effective communication**
 - iv. Regular sensitisation of the public and court users
 - v. Management by Walking Around. **(MBWA)**



Areas for Reform

- ❖ Registrars need to continue advocating for reforms in the administration of justice, especially as the Judiciary continues to undergo a radical transition
- ❖ The position of Registrar remains ambiguous in the administration of justice, administratively due to distortions in the chain of command, and judiciously due to curtailing of otherwise competent jurisdiction
- ❖ Registrars need to continue advocating for the re-establishment of the proper and appropriate chain of command, from The Hon. The Chief Justice downwards, and from Magistrate Grade 1 upwards
- ❖ The blurred disconnect in particular between the Lower Bench and the Higher Bench needs to be effectively abridged for effective administration of justice



Areas for Reform...Cont'd

- ❖ In the same respect, the long overdue comprehensive review of the Registrars' jurisdiction needs to be continuously pressed, as recommended by the **12th November, 2012 Comprehensive Chief Registrar's Report**, as follows:

"In order to deal with the goal of justice for all, the Judiciary has to deal with the challenges of inadequate Judges vis a vis underutilized Registrars. [...] there is still room to improve case disposal if Registrars' jurisdiction in specific matters is enhanced to free Judges to concentrate on serious cases." [Page 3, Paragraph 2 - emphasis added]

- ❖ The example of Tanzania of unlimited Lower Bench jurisdiction for Registrars (to handle all lower Bench cases), and Higher Bench extended jurisdiction (to act as Judges), needs to be adopted to fight backlog, and in turn minimise complaints



Conclusion

- ❖ Complaints are part and parcel of life, and must be accepted as part of administrative reality; but they can easily be kept to the very bare minimum
- ❖ **“The French complain of everything, and always”**, once ***complained*** celebrated French General and Emperor Napoleon Bonaparte; and the same can be truly said of Ugandans



