



The Catholic Commission for Justice and Peace

Archdiocese of Lilongwe

Terms of Reference for an External Evaluation of the Promotion of Restorative Justice Through Adult Diversion Project

1.0. INTRODUCTION

1.1 Background

The Catholic Commission for Justice and Peace of the Archdiocese of Lilongwe (CCJP Lilongwe or the Commission) with funding from the Tilitonse Foundation implemented a 13-month Promotion of Restorative Justice through Adult Diversion Project. The Project aimed at providing a better alternative justice to petty offenders by resolving their cases outside the criminal justice system leading to decongested Prisons and Police cells as well as reducing backlog of cases in the magistrate's courts.

The project was implemented in Kasungu and Nkhonkhotakota districts. It particularly focused on 16 Police Formations, 3 Magistrate's Courts and 2 Prisons. A total of 32 Social Workers were attached to each of the 16 Police Formations. CCJP Lilongwe instituted a partnership of all the key District Criminal Justice Stakeholders in Kasungu and Nkhonkhotakota. These comprised Police Officers-In-Charge, Prison Officer-In-Charge, Senior Resident Magistrates, Paralegal Advisory Services Institute (PASI) Officers and CCJP District Coordinators.

The Promotion of Restorative Justice through Adult Diversion Project provided an opportunity for Police Officers and the Magistrates to deal with some petty offenders without going through the formal court prosecution.

Diversion is a lawful way to exercise prosecutorial discretion instead of full prosecution through the court system. It is an alternative means of processing some petty offences and/or petty offenders outside the courts. The Police Diversion Coordinators, PASI Paralegals, Social Workers and Magistrates were responsible for diversion activities.

The purposes of diversion are to:

- a. Address offending behavior that has resulted in charges
- b. Balance the needs of victims, the offender and their communities
- c. Give offenders an opportunity to avoid conviction
- d. Reduce re-offending
- e. Reduce congestion in police cells and prisons
- f. Reduce backlog of cases in magistrate courts

Diversion enables eligible petty offenders to complete diversion activities within a given timeframe to avoid both a full prosecution and the possibility of receiving a conviction. This means that judicial time is able to be reserved for more serious offences and offenders.

1.2 The Rationale for the Evaluation

With the Project coming to an end in February 2020, CCJP Lilongwe would like to do a summative evaluation of the Project in the targeted two prisons, 16 Police Formations and Magistrate Courts of Kasungu, Nkhonkhotakota and Nkhungu. The evaluation should be able to assess the extent to which the Project and its interventions have achieved its goal and objectives. It will also determine how the Project has contributed to the goal and objectives of CCJP Lilongwe and Tilitonse Foundation.

The evaluation should also help capture the lessons learned and best practices from the implementation of the Promotion of Restorative Justice through Adult Diversion Project. It would further enhance adaptive programming for existing other similar projects and identify areas of improvement for future projects.

1.3 Main Stakeholders of the Evaluation

The evaluation will involve participation of various relevant stakeholders at different levels. These will help to drawing of lessons, gathering of data on impact and relevance of the intervention, identifying of implementation challenges and successes, contextualizing of analysis and triangulation of information gathered. Stakeholders that will be involved include: CCJP Lilongwe Programme Team, the Malawi Police Service, the Malawi Prison Service, the Department of Social Welfare (16 social workers attached to the Project), PASI, Police Adult Diversion Coordinators and media specialists in Kasungu and Nkhonkhotakota districts.

2. OBJECTIVES

The objectives of the final evaluation include:

- a. To assess the project's adherence to proposal commitments and funding modalities.
- b. To assess the extent to which the project achieved its purpose and delivered on intended results and outputs.

- c. To draw lessons learnt, best practices and recommendations to inform future Project design.
- d. To independently verify record of achievement as recorded through Project progressive reports and define in the project's log frame.
- e. To assess the extent to which the Project performed well and was good value for money, which includes considering:
 - i. How well the Project met its objectives
 - ii. How well the Project applied value for money principles of effectiveness, economy, efficiency and equity in relation to delivery of its outcome
 - iii. What has happened because of Tilitonse Foundation's funding that would not have otherwise happened.
 - iv. How well the Project aligns with CCJP Lilongwe's and Tilitonse Foundation's goals and objectives.
- f. To assess the likelihood of the Project and its activities to continue at district and community levels beyond the support received in the period of intervention.
- g. To appraise the Project Partnership Approach (including management structures, communications and relationships).

The final evaluation will be guided by the Project's specific objectives and commitments in the proposal and log frame. The project specific and intended results were:

- a. Reduced number of inmates in remand detention, police cells and reduced case backlogs at magistrate courts.
- b. Enhanced capacity of key criminal justice personnel
- c. Improved media coverage in order to support and promote adult diversion
- d. Improved use of the legal framework on adult diversion

3. KEY QUESTIONS AND ISSUES

The final evaluation should investigate effectiveness, relevance, sustainability, efficiency and impact.

3.1 Relevance

To what extent did the Project achieve its overall objectives?

- a. What do the beneficiaries think of the Project's relevance, appropriateness and outcomes? Are the outcomes sustainable? What do other primary and secondary stakeholders (e.g. PASI, Malawi Prison Service, Malawi Police Service and Social Welfare Department) think of the Project? Were the petty offenders reached? Was the targeting appropriate?

- b. What and how much progress has been made towards achieving the overall outputs and outcomes of the Project?
- c. To what extent were the results (impacts, outcomes and outputs) achieved?
- d. Were the inputs and strategies identified, and were they realistic, appropriate and adequate to achieve the results?
- e. Was the Project relevant to the identified needs?

3.2 Effectiveness

To what extent were the planned outputs and results achieved? Were outputs / deliverables of an appropriate technical quality?

- a. Was the project effective in delivering desired / planned results?
- b. To what extent did the project's Monitoring, Evaluation, Accountability and Learning (MEAL) mechanisms contribute in meeting the Project results?
- c. How effective were the strategies and tools used in the implementation of the Project?
- d. How effective has the Project been in responding to the needs of the beneficiaries, and what results were achieved?
- e. What are the future intervention strategies and issues?

3.3 Efficiency

Was the project cost effective? Were there enough staff, of appropriate competency, for the achievement of the intended objectives?

- a. Was the process of achieving results efficient?
- b. Did the actual or expected results (outputs and outcomes) specifically justify the costs incurred?
- c. Were the resources effectively utilized?
- d. Did Project activities overlap and duplicate other similar interventions (funded nationally and / or by other donors)?
- e. Are there more efficient ways and means of delivering more and better results (outputs and outcomes) with the available inputs? Could a different approach have produced better results?
- f. How was the Project's collaboration with other grant partners, likeminded organizations?

3.4 Sustainability

Describe key factors that will require attention in order to improve prospects of sustainability of project outcomes and potential for replication of the approach

- a. To what extent are the benefits of the Project likely to be sustained after the completion of this Project?

- b. What is the likelihood of continuation and sustainability of Project outcomes and benefit after completion of the project?
- c. How effective were the exit strategies, and approaches to phase out assistance provided by the project including contributing factors and constraints?
- d. How ere capacities strengthened at the individual and organizational level (including contributing factors and constraints)?
- e. Describe the main lessons that have emerged?
- f. What are the recommendations¹ for similar support in future?

3.5 Impact

What are the wider social, economic, technical, effects of the Project on the Malawi Police Service, Malawi Prison Service, adult petty offenders, on CCJP Lilongwe and on a wider society?

- a. To what extent has the Project brought changes to people?
- b. What changes have been registered on the ground by the Project (both positive and negative)?
- c. To what extent has the Project created space for engagement with duty bearers and service providers?
- d. Describe how the Project has contributed to the relevant result areas of the Tilitonse Foundation (Rule of Law)?
- e. What tangible results has the Project brought to the people, systems and structures etc.?

4. METHODOLOGY

The evaluation will be conducted in Kasungu and Nkhotakota districts, specifically in the 16 Police Formations covered by the Project, 3 Magistrate Courts and 2 Prisons. It is proposed that the consultant(s) should use a mixed methods approach adopting both qualitative and quantitative methods. This will include Documents Review, Focus Group Discussions, Key Informant Interviews and Observations for triangulation and gathering of information from beneficiaries and relevant stakeholders. The study participants will include, but not limited, to Social Workers, Police Adult Diversion Coordinators, Adult Diversion Beneficiaries and Community Leaders. The data will be synthesized and reported in line with the Logical Framework and commitments in the Project Document.

¹ *The recommendations should provide comprehensive proposals for future interventions based on the current evaluation findings.*

5. EXPECTED OUTPUTS

The Consultant(s) will be responsible for the

1. Development and submission of the Inception Report which will include an interpretation of the tasks and study design and methodologies, sampling procedures and sample size, detailed work plan and financial proposal.
2. Development of appropriate tools and instruments for gathering information.
3. Conduction of a desk review (proposal, progressive reports) relevant to the evaluation.
4. General oversight and coordination of the evaluation process including logistical arrangements for data collection in collaboration with the MEAL Officer.
5. Processing, analyzing of the data and development of actionable recommendations which include specific recommendations based on evidence from the findings.
6. Development and submission of the report
 - a. Submission of the draft report
 - b. Revision of the report based on CCJP Lilongwe's feedback
 - c. Submission and presentation of the final report to CCJP Lilongwe Management

9. TIME FRAME

Deliverable	Deadline
Proposal Submission (Technical and Financial)	By 27 th February, 2020
Inception Report	Within 1 week after a successful bidder is notified
Data collection	Within 2 week after submission of inception report
Draft report	Within 2 week after completion of data collection
Final Evaluation final report	Within 2 week after submission of the draft report
A 3 page stand-alone document summarizing the final evaluation (To stand as executive summary)	Within 1 week after submission of the draft report
Presentation of the key findings	Within 1 week after submission of the draft report
Dissemination Plan	Within 1 week after submission of the draft report

10.0 REPORT OUTLINE

1. Cover Page
2. Table of Contents
3. List of Abbreviations and Acronyms
4. Executive Summary which includes the background, key findings, conclusions and recommendations
5. Introduction and objectives of the Evaluation
6. Research design including key indicators
7. Methodology including data sources, data limitations, and timeline of evaluation
8. Study findings
9. Conclusion based on the findings
10. Limitations including any constraints of the evaluation
11. Recommendations based on the conclusions
12. References
13. Annexes (list of data sources including interviews, data collection tools etc.)

11. SUPPORT FROM CCJP LILONGWE

CCJP Lilongwe Secretariat headed by the Commission's Secretary through the Head of Programs shall provide all the necessary support services for this exercise. The Project's Coordinator shall be the focal person to liaise with all relevant stakeholders and shall work hand in hand with the Consultant(s) in seeing through that the final evaluation is carried out smoothly, effectively and professionally.

12. PROFILE OF CONSULTANT(S)

The Consultant(s) shall be a firm with at least five years of experience in conducting Baselines, Mid Term and Final Evaluation studies of donor funded projects. Evidence of such work should be provided, with contact details for the relevant organizations.

- i. The Team Leader should have at least Bachelor's Degree in Law, Social Sciences, Development Studies, or any other related field, with at least five years of experience in management of governance related surveys. Key Team members should include a Monitoring, Evaluation Accountability and Learning Expert with a minimum of 5 years' experience in relevant surveys.
- ii. Knowledge of local languages is required.

13. HOW TO APPLY

Interested Consultant(s) should apply by submitting the following documents in a single PDF no later than 27th February 2020. Submissions must be made via e-mail to admin@ccjplilongwe.org, copied to comsec@ccjplilongwe.org with the subject line “Restorative Justice Evaluation Bid 2020”.

- a. Organizational/team capacity statement outlining relevant evaluation experience and ability to perform the three evaluations with methodological rigor. This should be a maximum of 5 pages.
- b. CV of each proposed evaluator with his/her role clearly identified. Please limit CVs to no more than 4 pages each.
- c. Financial proposal that includes:
 - i. Daily fee and days required for each team member
 - ii. Estimated expenses attributable to each team member
- d. Technical proposal detailing the contents stipulated above.