

APPENDIX 1 TERMS OF REFERENCE FOR THE EVALUATION



*Empowered lives.
Resilient nations.*

TERMS OF REFERENCE

**UNDP Trinidad and Tobago Country Office
Evaluation of the Trinidad and Tobago Juvenile Court Project**

JOB TITLE: Evaluator for the Trinidad and Tobago Juvenile Court Project

DUTY STATION: Trinidad and Tobago

CONTRACTING AUTHORITY: United Nations Development Programme

CONTRACT DURATION: 20 Working Days

START DATE: April 18, 2018

1. BACKGROUND

The Judiciary of Trinidad and Tobago, in collaboration with the United States Agency for International Development (USAID) and the United Nations Development Programme (UNDP), embarked on the Trinidad and Tobago Juvenile Court Project (JCP) in April 2014. The JCP aims to strengthen the capacity of the Judiciary to deal with children matters using a rehabilitative, restorative and less retributive approach. This is in keeping with international guidelines and standards such as the United Nations Convention on the Rights of a Child (UNCRC) as well as the philosophy and provisions of the Trinidad and Tobago Children Act 2012.⁶

⁶ Details available on the Project website: jcptt.org

There are various challenges to improving public peace and security in Trinidad and Tobago. Like many countries in the Caribbean, transnational crimes such as trafficking of illicit drugs and weapons have contributed to significant increases in crime and violence in Trinidad and Tobago. More frequently, gang-rivalry and disaffected youth are perpetrators or victims of violent crimes. Based on the increased number of youths entering the criminal justice system, it is clear that the justice system and the traditional punitive approach have failed to deter those at-risk from the allure of lives of crime and violence. Recidivism rates continue to increase and for increasingly serious offences. While important strides have been made toward the modernisation of the child justice system in Trinidad and Tobago with the passage of the Children Act 2012, it was recognized that more was needed to give full effect to the package of Children's legislation.

The JCP aims to contribute to the successful implementation of this package which moved Trinidad and Tobago one step closer to fulfilling the provisions of the United Nations Convention on the Rights of the Child and addressing areas for reform identified in the Caribbean Juvenile Justice Assessment (research conducted through the Caribbean Basin Security Initiative (CBSI) on the status of juvenile justice systems in the Caribbean). Within the Children's package of legislation, there are more and better "sentencing" options which are better suited to addressing the needs of children in conflict with the law. However, much more needs to be done to ensure that the systems, rules, processes and resources are in place to improve the children services and rehabilitative interventions. The Juvenile Court Project therefore sought to ensure that all the needed infrastructure is established to achieve the goals of child rehabilitation and restoration in a new Children Court system to be established under the project.

Project components:

- **Component 1 - Children Court** - The development of Children Courts that support the implementation of certain provisions of the Children Act 2012.
- **Component 2 - Peer Resolution** - The conduct of a pilot Peer Resolution Programme where children who have admitted guilt for minor offences or harm caused to others are sanctioned by their peers to make amends for what they have done. Peer Resolution uses court-like procedures.
- **Component 3 - Public Education and Communications** - The execution of Public Education and Communication strategies around project initiatives and related child justice issues.

Core Objectives of the project

- Establishment of two juvenile courts that meet standards for adjudicating juvenile cases.
- Building institutional capacity of juvenile courts to adjudicate cases in an efficient and effective manner in accordance with new laws and principles of restorative justice through training to improve adjudication, case management, implementation of rules and procedures and court-annexed programmes in collaboration with government agencies, Non-Government Organizations, Civil Society Organizations, and Children's Authority.
- Building of institutional capacity of organizations providing services to children in conflict with the law through: the creation of effective referral and coordination of mechanisms, training on new laws and procedures, improved programs and ability to fulfil the reporting and monitoring requirements of juvenile courts.
- Establishment of youth courts based on principles of restorative justice and development of a cadre of youth leaders. Youth courts will facilitate the adjudication of minor offenses committed by persons falling within the ambit of the Children Act.

- Execution of public awareness campaigns to educate and sensitize the public to the reform of juvenile justice system and JCP initiatives to support implementation of the Children Act.

Key Outcomes

By implementing the components of the JCP, the project aimed to correct the following deficiencies in the child justice system:

- the punitive approach to child justice;
- the increased rate of repeat offending by children for serious crimes;
- the absence of specialized Children Courts to appropriately handle criminal matters; and
- insufficient linkages between the Courts and support programmes for children and their families.

The project started in April 2014 with an initial grant from the United States Agency for International Development (USAID) of US\$4,545,765. The project received a 3 month no-cost extension from April 2017 to July 2017 and a subsequent 9 month extension to April 2018 with additional funds of US\$999,633 being provided.

The key implementation counterparts for this project are as indicated below:

- the Judiciary of Trinidad and Tobago – executing agency and implementing partner;
- the United States Agency for International Development – the project donor; and
- UNDP Trinidad and Tobago Office – fund manager and project quality assurance.

The National Center for States Courts (NCSC) provided technical support to the project.

The key stakeholders with whom consultations were held and work undertaken for new children rules, protocols, legislation and other project outputs are as indicated below:

- Ministry of the Attorney General The Legal Aid and Advisory Authority of Trinidad and Tobago
- The Solicitor General's Department
- The Office of the Director of Public Prosecutions
- Ministry of Social Development and Family Services
- Ministry of Education
- Trinidad and Tobago Police Service
- Trinidad and Tobago Prison Service
- Child Protection Unit of the Ministry of National Security
- Probation Services Division
- Children's Authority
- Judiciary of Trinidad and Tobago

This project forms a key component of the reform of the child justice system in Trinidad and Tobago follows on the adoption by Trinidad and Tobago of the Children Act (2012). The project seeks to fulfill Outcome 2 of the UN Development Assistance Framework (UNDAF) - *By 2015, government and civil society adopt an integrated response to violence in families and communities*. The expected outcome at the country programme level is under Pillar #3: National and Personal Security and the Country Programme Outcome (#2) is *improved human security through implementation of evidenced- based policies, strategies and practical initiatives*. The project is also part of the work of USAID on juvenile justice reform in the Caribbean. Have other evaluations been done in other countries, or have any interim evaluations been done in this country?

According to the Project Document, the expected Outputs are:

1. Support for implementation of the Children Act 2012 inclusive of the development of a pilot juvenile court system;

2. Conduct of a pilot Youth Court in Tobago; and
3. Execute a Public Education and Sensitisation Programme.

2. PURPOSE OF THE EVALUATION

The evaluation is being conducted in line with the Monitoring and Evaluation provision of the project and in accordance with UNDP and USAID Evaluation Policies. In this regard, the evaluation exercise should be independent, impartial and of the appropriate standard and quality, and it should be designed with utility in mind. The evaluation should generate relevant and useful information to support evidence-based decision making.

As work continues in Trinidad and Tobago and in the Caribbean region in the area of juvenile justice reform, the findings, lessons learned and recommendations generated by the evaluation will be used by the Judiciary of Trinidad and Tobago, UNDP, USAID, NCSC and the project's key stakeholders to improve future projects and programmes related to child justice. The evaluation will assess the results of the project and it is expected that it will undertake a review of project implementation and provide useful and actionable recommendations for similar projects in the future.

3. SPECIFIC OBJECTIVES

The specific objectives of the evaluation are:

- a) to provide feedback to the Judiciary of Trinidad and Tobago, USAID and UNDP on the relevance, effectiveness, efficiency, and sustainability of the project and make recommendations for work on similar projects; and
- b) to identify the key success factors, good practices, challenges in the approaches adopted and lessons learnt.

4. PROJECT EVALUATION QUESTIONS

Relevance

Relevance concerns the extent to which a development initiative and its intended outputs or outcomes are consistent with national and local policies and priorities and the needs of intended beneficiaries. Relevance concerns the congruency between the perception of what is needed as envisioned by the initiative planners and the reality of what is needed from the perspective of intended beneficiaries.

- Were individual and overall project strategies and activities sufficient to influence comprehensive child justice system reform?
- Did the project promote principles of gender equity?

Efficiency

Efficiency measures how economically resources or inputs (such as funds, expertise and time) are converted to results. An initiative is efficient when it uses resources appropriately and economically to produce the desired outputs. Efficiency is important in ensuring that resources have been used appropriately and in highlighting more effective uses of resources.

- Were activities completed on time, in a logical sequence, and with the appropriate quality?
- How were risks identified and managed?
- How was the project progress monitored and evaluated during the life of the project?
- Were there synergies between the project partners which contributed to project outputs?

- Was the project implemented taking into consideration international standards for child justice?
- Did relevant stakeholders view the project as increasing their own capacity to fulfil obligations toward children?

Effectiveness

Effectiveness is a measure of the extent to which the initiative's intended results (outputs or outcomes) have been achieved or the extent to which progress toward outputs or outcomes has been achieved.

- To what extent has the project's expected results been achieved?
- What were the major factors influencing the achievement or non-achievement of targets in each component?
- How successfully did the project adapt to any changing external conditions?
- Did project activities contribute to a change in the approach of child justice-actors to dealing with children in conflict with the law and in need of supervision?
- Did the project foster better coordination and synergy among different sectors in the child justice system?

Sustainability

Sustainability measures the extent to which benefits of initiatives continue after external development assistance has come to an end. Assessing sustainability involves evaluating the extent to which relevant social, economic, political, institutional and other conditions are present and, based on that assessment, making projections about the national capacity to maintain, manage and ensure the development results in the future.

- In what manner will the attained results continue once project support ends?
- Was a phase-out/hand-over strategy an integral part of the project design and planning, and was it fully understood by all partners? Was it implemented successfully?

Key success factors, good practices, challenges and lessons learnt

- What are the key success factors of this project?
- What were the good practices which could be applied in other projects?
- What were some of the challenges of the project? How were they overcome?
- What were the lessons learnt?

Recommendations

- Which elements within the start-up of the Court need strengthening going forward, i.e. staff numbers and competency, systems and procedures in place?
- What other interventions are still to be undertaken related to the project to effect change in the child justice system?
- When should the next evaluation be conducted and what should be the key elements?

Suggested ratings

The following ratings could be used or could serve as a guide to the evaluator for analysis of the findings:

Evaluation Criteria	Suggested Rating
Relevance	2. Relevant (R) 1. Not relevant (NR)

Effectiveness	<p>6: Highly Satisfactory (HS): The project had no shortcomings in the achievement of its objectives in terms of relevance, effectiveness, or efficiency</p> <p>5: Satisfactory (S): There were only minor shortcomings</p> <p>4: Moderately Satisfactory (MS): there were moderate shortcomings</p> <p>3. Moderately Unsatisfactory (MU): the project had significant shortcomings</p> <p>2. Unsatisfactory (U): there were major shortcomings in the achievement of project objectives in terms of relevance, effectiveness, or efficiency</p> <p>1. Highly Unsatisfactory (HU): The project had severe shortcomings</p>
Efficiency	<p>6: Highly Satisfactory (HS): The project had no shortcomings in the achievement of its objectives in terms of relevance, effectiveness, or efficiency</p> <p>5: Satisfactory (S): There were only minor shortcomings</p> <p>4: Moderately Satisfactory (MS): there were moderate shortcomings</p> <p>3. Moderately Unsatisfactory (MU): the project had significant shortcomings</p> <p>2. Unsatisfactory (U): there were major shortcomings in the achievement of project objectives in terms of relevance, effectiveness, or efficiency</p> <p>1. Highly Unsatisfactory (HU): The project had severe shortcomings</p>
Sustainability	<p>4: Likely (L): negligible risks to sustainability</p> <p>3. Moderately Likely (ML): moderate risks</p> <p>2. Moderately Unlikely (MU): significant risks</p> <p>1. Unlikely (U): severe risks</p>

5. METHODOLOGY

Evaluation methods should be selected for their rigour in producing empirically based evidence to address the evaluation criteria, to respond to the evaluation questions, and to meet the objectives of the evaluation. The type of information and methods selected must produce evidence, and they should combine both qualitative and quantitative aspects. The evaluation should use primary and secondary data, and should include a presentation of the results matrix of the initiative. The review, findings and recommendations should be derived from the following methods:

- **Desk review:** Key project documents, including but not limited to those outlined at **Annex I**, and to be provided by the Programme Manager, Citizen Security and Justice.
- **Interviews and focus group discussion with key stakeholders:** To ensure wide participation of participants in the evaluation, the evaluator will organize interviews with key informants and at least three focus group discussions with key stakeholders. The

Judiciary of Trinidad and Tobago and UNDP will assist with arrangements for the interviews and focus group discussions.

- **Consultation meetings with project partners** – at least one consultation meeting with each project partner - UNDP, USAID, the Judiciary of Trinidad and Tobago and the National Center for State Courts (NCSC).

6. DURATION

This evaluation is to be completed in 20 working days.

7. IMPLEMENTATION ARRANGEMENTS AND DELIVERABLES

The evaluator will report to the UNDP Programme Manager for Citizen Security and Justice. During the evaluation, UNDP Trinidad and Tobago will assist with identification of stakeholders and partners to be interviewed and will assist with the arrangements for interviews by the evaluator. The evaluator will work from home. The evaluator is also expected to arrange all resources needed to complete the assignment, if needed, at his/her own costs.

The evaluator will have a total of twenty (20) working days over the period [April 23 2018] to [June 8th 2018]. There are four deliverables of the evaluation:

1. **Evaluation Inception Report:** An inception report will be prepared by the evaluator before going into the full-fledged data collection exercise. The inception report will include a proposed schedule of tasks, activities and deliverables, containing work plan, evaluation methodology and evaluation matrix.
2. **Outline of Evaluation Report:** An outline of the report is to be provided to UNDP for review. This will be reviewed and comments made to ensure that the outline is in keeping with the evaluation requirements.
3. **Draft Evaluation Report:** The draft report will present, inter alia, findings, lessons learnt and recommendations. UNDP and key stakeholders in the evaluation will review the draft evaluation report to ensure that the evaluation meets the required quality criteria.
4. **Final Evaluation Report:** The Final Report must include an executive summary. A printed and electronic version of the report must be submitted.

The evaluator will have the overall responsibility for the quality and timely submission of the consultancy deliverables. Deliverables and payment schedule for the evaluation are as follows:

	Tasks	Number of work days	Tentative dates	Deliverable	Payment schedule (on approval of deliverable)
1.	Preparation and submission of Evaluation Inception Report	3	tbd	Inception report prepared and submitted to UNDP	10%
	Comments on the Inception Report to be				

	provided by UNDP Trinidad and Tobago Country Office				
2.	Preparation and submission of Outline of Evaluation Report	7		Outline of Evaluation Report	20%
	Comments on the Outline of the Evaluation Report to be provided by UNDP Trinidad and Tobago Country Office				
3.	Preparation and submission of Draft evaluation report	8	tbd	Draft evaluation report	40%
	Collect comments on draft report from UNDP Country Office		tbd		
4.	Preparation and submission of Final Evaluation Report.	2	tbd	Final Evaluation	30%
		20			100%

8. EVALUATION ETHICS

For the development of this evaluation, the evaluator will follow the ethical principles and guidelines established by the UNDP and the United Nations Evaluation Group (UNEG)⁷. Among other aspects, this includes the rights and confidentiality that must be guaranteed to the people providing information, explicit requirements for its use, necessary permission for interviewing children and young people and in accordance with protocols that allow for the safeguarding of information and preservation of anonymity and confidentiality. The evaluator shall operate in such a manner so as to guarantee the independence and impartiality of the process and outputs of the evaluation. The evaluator is expected to agree with the Code of Conduct for Evaluators in the UN System and sign it as part of his/her contract.

9. PROFILE OF THE EVALUATOR

The evaluator should have the following qualifications and experience:

- Minimum of a Master's Degree in Social Sciences or Law.
- Minimum of five (5) years' experience in managing programmes and implementation and evaluation of projects, preferably in the Caribbean.
- Experience in results-based management/logical framework approach and other strategic planning approaches, evaluation methods and approaches (qualitative and quantitative).
- Proven command of written and spoken English.
- Experience in conducting evaluations and report preparation.

⁷ <http://www.unevaluation.org/document/detail/102>

- Strong analytical skills.

Annex I

Documents for desk review

- Project Document and Extension Document
- Children Act 2012
- Family and Children Division Act, 2016
- Annual Work Plan 2014- 2018
- NCSC Workplans 2014-2018
- Quarterly and Annual Reports
- Minutes of Project Board Meetings
- Peer Resolution Framework
- Judges Rules for children
- Project Monitoring and Evaluation Framework
- Human Resources Report
- Instruments produced by the Project –
 - ✓ *Trinidad and Tobago Multi-Agency Protocols Addressing Children in Conflict with the Law*
 - ✓ *Trinidad and Tobago Inter-Agency Protocols Addressing Students in Conflict with the Law*
 - ✓ *Trinidad and Tobago Table of Equivalencies of the United Nations Office on Drugs and Crime's (UNODC) International Classification of Crime for Statistical Purposes (ICCS)*