

TERMS OF REFERENCE: ANNEXURE A

SCM /Tender Ref #:	DPME 14-2022/23
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Request for proposals for:	Implementation Evaluation of The Department of Correctional Services Parole System
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1. BACKGROUND / CONTEXT

The National Development Plan (NDP) Outcome 3, states: “All people in South Africa are and feel safe.” The improvement of the Parole System in South Africa should contribute in general to this outcome as it intends to improve consistency and quality of parole decisions, ensure greater compliance with the provisions of the Promotion on Administrative Justice Act, 2000, No 3 of 2000 and to increase public transparency and participation in the parole processes (Department of Correctional Services, 2021:50). In ensuring that the parole system best suits the South African people, the DCS recognizes the importance of inputs by all role-players including other Government Departments, the Judiciary, Non-governmental organizations, Faith based organizations and the public in general.

The legal framework which impacts on the implementation of sentences and the eventual placement and release of offenders are found at both domestic and international level. They are cross-cutting and found in various branches of the law, ranging from constitutional law to criminal law and criminal procedures, correctional law, immigration law and international law. It also includes guidelines or standards that are not necessarily promulgated into law but have normative significance in providing direction to decision makers in the implementation of sentences by courts.

The Department of Correctional Services is responsible for rehabilitation and social re-integration of offenders. The placement of offenders on parole is part of corrections strategy to attain these objectives. The placement of offenders on parole/community supervision is an intervention aimed at:

- enabling a person subject to community corrections to be fully integrated into society when he/she completes their sentence;
- Elevating the role of victims and community members by providing a range of opportunities for dialogue, negotiations and problem solving which can lead to a greater sense of community safety and social harmony.

The unconditional release of offenders on the expiry of their sentences does not guarantee their successful reintegration back into society. It is therefore imperative that society is actively involved in the reintegration processes of offenders. The placement of offenders on parole makes it possible for communities to be involved in social re-integration of offenders.

The Correctional Services Act (CSA) 111 of 1998 as Amended (32/2001), Ch.’s. V1 and V11 as well as the White Paper on Corrections (2005) sec 4.4.5 make provision for the current parole system through which offenders are afforded an opportunity to complete their sentences outside of correctional centres. Offenders placed on parole are assisted and supported to lead socially responsible and crime-free lives during their parole period and beyond.

In terms of section 2 of the Correctional Services Act (CSA) 111 of 1998 as Amended (32/2001), DCS is mandated, amongst other things, to “promote social responsibility and human development of all offenders to ensure that they are successfully reintegrated into society”. Parole system offers the Department (DCS) a vehicle to plan and execute this mandate in a manner that is both equitable and effective. The Department of Correctional Services contributes to outcome number three of the National Development Plan (NDP) which talks to South Africans feeling safe and free from crime by reducing re-offending by ex-inmates through its rehabilitation programmes while incarcerated as well as the re-integration programmes offered during placement under correctional supervision.

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The current parole system has not been assessed or evaluated since its inception. It is not known whether the adopted parole model is efficient in assessing the risk probability of reoffending by parolees nor has the model been assessed for its effectiveness in supporting successful reintegration. Rehabilitation is the core factor in determining parole. It is therefore imperative that the current model of parole is evaluated to improve and strengthen the system. Society's concern about the parole system can only be addressed by ensuring that the system does not result in reoffending behaviour by parolees. A supportive society will go a long way in supporting ex inmates in rebuilding their lives as good citizens.

2. PURPOSE

The purpose of the evaluation is to evaluate whether the implementation of the parole administration system, which informs the decision-making processes by the delegated authorities is effective in ensuring the successful reintegration of parolees into society.

3. FOCUS OF THE EVALUATION

3.1 Key Evaluation Questions

- i. How relevant and appropriate is the risk profiling process in assessing the risk level of an offender?
- ii. Is there consistency in the implementation of the parole system across all parole boards in the country? If NOT, which aspects of this system are being implemented inconsistently and WHY?
- iii. Do the delegated authorities have access to relevant resources from correctional centres and community corrections to inform their parole decision-making processes? If yes, how effective are the relevant resources on parole decision making process? If not, what are the challenges with the relevant resources on parole decision making process?
- iv. Are offender, parolees and probationers case management processes implemented as intended?
- v. Are the parole boards composed of suitably qualified members? If not, how can the recruitment process be improved?

3.2 Potential users of the evaluation

The following stakeholders shall benefit from the evaluation process:

- Offenders, parolees and probationers
- Head of Correctional Centres, Head of Community Corrections, Parole Boards and National Council for Correctional Services (NCCS)
- Department of Correctional Services (DCS)
- Minister of Justice and Correctional Services
- Parliament
- Criminal-Justice System
- Civil society organizations
- Private Sector
- State president
- The general public
- Victims
- Academic

Table 1: potential users of the evaluation results and how they will/may use the information

Stakeholders category	How they stand to benefit from the Evaluation process
Offenders, parolees and probationers	<ul style="list-style-type: none">• Improvement of Case Management processes for better rehabilitation and social re-integration of offenders• Enhancement of fair outcomes from Parole Decision making processes

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Stakeholders category	How they stand to benefit from the Evaluation process
Heads of Correctional Centers and Heads of Community Corrections	<ul style="list-style-type: none"> It will help them in decision making with regard to parole system process
Parole Boards and NCCS	<ul style="list-style-type: none"> Improvement of Case Management and risk profiling processes will lead to evidence-based decision making Improvement in the parole recruitment criteria will enhance the expertise required to sit on parole boards
Department of Correctional Services (DCS)	<ul style="list-style-type: none"> A well-functioning, world class parole system that ensures successful re-integration of offenders into society Society's acceptance of the parole system and support for restorative justice Society's involvement and support of offender rehabilitation initiatives Reduction in appeals made against parole board decisions
Minister of Justice and Correctional Services	<ul style="list-style-type: none"> Reduction in potential law suits against the department (DCS) for alleged violation of offender's rights to parole Reduction in parolee recidivism rate
Parliament	<ul style="list-style-type: none"> Lead to more structured reviews and fruitful debates on parole related matters.
Criminal-Justice System	<ul style="list-style-type: none"> Reduction in offences committed by parolees leading to reduction in re-offending (arrests, convictions and re-incarcerations)
Civil society organizations	<ul style="list-style-type: none"> Improved cooperation with DCS on matters of parole and human rights of offenders and people subjected to conditions of incarceration
State president	<ul style="list-style-type: none"> Access to reliable information and useful guidelines to inform Presidential decision making on presidential parole and pardons
The general public	<ul style="list-style-type: none"> A high sense of social justice A high sense of safety Improved confidence in the criminal-justice system
Victims	<ul style="list-style-type: none"> It will help the victims have a better understanding of the parole system and might improve their participation.
Private Sector	<ul style="list-style-type: none"> It will enable the private sector to explore avenues for potential partnerships with government to improve the parole system and enhance employment opportunities for parolees.
Academic	<ul style="list-style-type: none"> The evaluation report will help academics to identify areas for further research on parole.
GICS	<ul style="list-style-type: none"> It will enhance communication strategy to disseminate information on parole related matters.

3.3 Scope of the evaluation

3.3.1 Time period

The evaluation will cover the implementation period from 2015 to 2021.

3.3.2 Intervention Components to be covered

Offender risk-profiling process; offender case management processes, parole decision making processes, parole board recruitment processes, social re-integration processes.

3.3.3 Geographic Coverage

The evaluation will cover the process of parole boards, correctional Centres, community corrections in the Department of Correctional Services.

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The strategy for the selection of parole boards, correctional centres and community corrections will be based on the following criteria:

- o Rural-urban management areas divided

	<u>Regions</u>	<u>Management Areas</u>	
		<u>Urban</u>	<u>Rural</u>
1	Western Cape	Pollsmoor	Brandvlei
2	Eastern Cape	East London	Umtata
3	Free State Northern Cape	Kimberley	Goedemoed
4	Gauteng	Johannesburg	Boksburg
5	KwaZulu Natal	Durban Westville	Ncome
6	Limpopo Mpumalanga North West	Polokwane	Rooigrond

Data should be collected physically.

4. PROPOSED METHODOLOGY / APPROACH

The prospective service provider should propose an appropriate methodology to respond to the evaluation questions in section 3 above. The evaluator is expected to use both qualitative and quantitative methods to respond to the evaluation questions. A theory of change for the parole system should be developed, which should be used combined with the analytical framework below to derive the methodology. The quantitative analysis may use existing monitoring data from the Department of Correctional Services. The service provider will be expected to produce an evaluation matrix to indicate how the evaluation questions will be covered, and what methods will be used to address these.

The final methodology will be the outcome of the discussion between the service provider and the Department of Correctional Services together with DPME during inception phase.

4.1 Literature and Document review

The service provider will be expected to review both local and international literature on the parole system. Document review will include, related policies and regulations, organizational plans and reports, conventions, and relevant guidelines if applicable. Benchmarking must provide insights into good practices and provide real-world lessons for South Africa. The Department of Correctional Services will provide access to relevant departmental data for the evaluation.

4.2 Data collection with key stakeholders

Data collection must be conducted with key stakeholders.

4.3 Sampling

The service provider will propose sampling procedure to be adopted for the evaluation.

The stakeholders involved in the parole boards are spread on Table 2, 3 and 4 below:

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Table 2: Sample frame for parole boards, parole board chairperson, deputy chairperson, community members who form part of the parole board and parole board secretary, case management committee and correctional assessment officer

Region	Number of parole boards	Number of parole board chairperson	Number of Deputy Chairperson	Number of community members who form part of parole board	Parole Board secretary	Correctional Centers	Community Corrections
FSNC	07	07	07	14	07	47	37
EC	09	09	09	18	09	45	40
GP	11	11	11	16	11	26	13
KZN	08	08	08	22	08	42	36
WC	10	10	10	16	10	44	26
LMN	08	08	08	20	08	37	66
6	53	53	53	106	53	243	218

Table 3: Sample frame for parole boards, regional heads corrections, regional heads: social reintegration, parolees who were re-arrested for crime committed after placement, SAPS member, and case management committees

Region	Number of parole Boards	Number of Regional Heads Corrections	Number of Regional Heads: Coordinator Social Reintegration-Corrections	Number of SAPS	Case Management Committee	Correctional Centers	Community Corrections
FS/NC	07	01	1	07	47	47	37
EC	09	01	1	09	43	45	40
GP	11	1	1	11	38	26	13
KZN	08	01	1	08	40	42	36
WC	10	1	1	10	38	44	26
LMN	08	1	1	08	32	37	66
Regional Total	53	6	6	53	238	243	218

Table 4: Correctional Supervision & Parole Review Board selected from members of the NCCS and consists of

Official	Numbers
1. Judge as a Chairperson	01
2. A director or a deputy director of Public Prosecutions	01
3. A member of the Department of Correctional Services	01
4. A person with special knowledge of the correctional system	01
5. Two representatives of the public	02
6. SAPS member	01
Total	7

4.4 Workshops

Two workshops will be held with stakeholders – one to develop the theory of change and one to validate the draft report as well as findings and recommendations. The costs of the workshop will be covered by DPME.

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5. DELIVERABLES AND TIME FRAMES

5.1 Products/deliverables expected from the evaluation

The following deliverables will be expected:

- **Inception** Report with a revised evaluation plan, overall evaluation design and detailed methodology and content structure for the final report. This forms the basis for initial agreements and expectations in the evaluation.
- **Literature review**; document analysis and benchmarking
- A **Theory of Change** for the intervention). For NEP evaluations the service provider will be provided with an existing theory of change which would have been designed through the NEP process (specifically the design clinic). The evaluation should test this theory of change.
- **Report structure**, evaluation matrix, analytical framework, final data collection instruments and other tools;
- **Draft evaluation report** with recommendations and findings to the delivery of government youth employment programmes for review, full and in 1/5/25 format (note: there may be 2 versions after comments).
- A **workshop** with stakeholders to discuss the draft report; (*note: this workshop will be held to discuss initial findings and recommendations before the final draft report*).
- **The final evaluation report**, both full and in 1/5/25 format, in hard copy and electronic;
- **Presentation of the evaluation report** at the DPME Executive Committee Meeting
- **Provision of all datasets, metadata and survey documentation** (including interviews) when data is collected. (*Full transcripts of interviews are not required*).
- A **PowerPoint or audio-visual presentation** of the results and other presentations as required.

5.2 Budget and payment schedule

The evaluation will be fully funded by DCS.

The table below depicts the high-level project plan, tentative dates that are subject to change.

Table 5: Outline project plan and payment schedule

Deliverable	Timelines	Percentages %
Inception Meeting	December 2022	-
Approved Inception Report	December 2022	-
Sign SLA	December 2022	-
Approved Literature Review	January 2023	20%
Approved report structure, evaluation matrix, analytical framework, final data collection instruments and other tools	February 2023	15%
Fieldwork report	May 2023	-
First Draft evaluation report with recommendations and findings	June 2023	20%
Validation Workshop with stakeholders to discuss the draft report	July 2023	-
Revised Draft Evaluation full report and 1/5/25 summary	August 2023	-
Comments to service provider from Steering Committee and Peer reviewer on Final Report	August 2023	-
Approved Final report Evaluation full report and 1/5/25 summary	October 2023	30%
Power-point Presentation of the Report at top management and provision of all datasets, metadata and survey documentation (including interview transcripts).	November 2023	15%

6. PROJECT MANAGEMENT / REPORTING ARRANGEMENTS

6.1 Management arrangement

The service provider shall be managed by DPME together with the **Project Steering Committee**. The **Project Steering Committee** will be chaired by DCS and the secretariat role will be provided by DPME Evaluation Unit.

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6.2 Reporting arrangements

The service provider will report to the evaluation project manager, at the DPME.

7. QUALITY ASSURANCE

Peer reviewers will be contracted to support the assignment. Refer to the DPME Guideline on Peer Reviewers on DPME website for more detail.

8. OTHER

Please note that the evaluation report will remain the intellectual property of DPME and DCS. In the event of publication of this report and any work related thereto, prior permission should be sought from the DPME and DCS.