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G H A N A

## TERM OF REFERENCE (ToR) FOR THE RECRUITMENT OF INDIVIDUAL CONTRACTOR (IC)

### GENERAL INFORMATION

<b>Services/Work Description:</b>	<b>Development of a Legislative Instrument and Paralegal Guide for Legal Aid Delivery</b>
<b>Consultant Level:</b>	Senior Consultant
<b>Duty Station:</b>	Home-based
<b>Expected Places of Travel:</b>	None
<b>Duration:</b>	20 working days (To be completed in 2 months)
<b>Expected Start Date:</b>	11 <sup>th</sup> October, 2021

### I. BACKGROUND

Access to justice has long been recognized as a crucial right to every person globally. To ensure the realization of this right, the Legal Aid Commission was established and given the statutory mandate of providing legal aid to the indigent in Ghana. In the implementation of the constitutional and statutory guarantee of legal aid to the indigent however, the Commission and by extension the State has so far largely relied on the services of legal practitioners. In recognition of the constraints associated with this reliance on the services of the legal practitioners for the provision of legal aid to the indigent, the Commission's enabling Statute, the Legal Aid Commission Act, 2018 (Act 977) acknowledges the need for institutionalization of a system for the participation of paralegals in legal aid delivery. The key statutory objective is to broaden the scope of legal aid providers by setting up and incorporating an efficient paralegal system into the extant scheme of legal aid delivery for the purpose of easing access to justice for the poor in every part of the country. To this end, the Legal Aid Commission with the support of UNDP developed a paralegal framework for legal aid delivery. The statutory foundation for the conceptualization and development of the framework can be found in Act 977 thus clothing the Commission with the requisite authority to be the lead organization to spearhead the implementation of paralegal participation in legal aid delivery in the country. The framework, which was developed, further prescribed the need for a legislative instrument on paralegal together with standard guide for paralegal services delivery in the scheme of legal aid.

The Legal Aid Commission with the support of the UNDP therefore requires the services of a consultant for the drafting of a legislative Instrument on paralegal services delivery and a standard guide for paralegal services delivery for the Legal Aid Commission.

## II. SCOPE OF THE WORK

The consultant working in consultation with the Legal Aid Commission and other relevant stakeholders:

1. Draft regulations on paralegal services delivery within the Legal Aid Commission. The regulations to be drafted will encompass key systems and protocols for the implementation and administration of a vibrant paralegal system. It should streamline the paralegal regime and describes strategies for effective coordination between the Legal Aid Commission and other stakeholders. The regulation should as well capture a sound system of accreditation, training, and licensing of paralegals. It should also define the main eligibility and supervision criteria for legal aid paralegal practice in Ghana.
2. Develop a standard guide for paralegal service delivery. The guide should provide the standards, procedures and directions to Paralegals in legal aid delivery in the execution of their duties.

## III. EXPECTED OUTPUTS AND DELIVERABLES

Deliverables	Timeline	Review and approval
Draft regulations on Paralegal Service Delivery	10 working days	UNDP Head of Governance/Executive Director of the Legal Aid Commission
Draft Standard guide for paralegal service delivery	15 working days	UNDP Head of Governance /Executive Director of the Legal Aid Commission
Final Standard guide for paralegal service delivery with inputs and comments from stakeholders incorporated/addressed	5 working days	UNDP Head of Governance /Executive Director of the Legal Aid Commission

## IV. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The consultant will:

- Work under the supervision of the UNDP Head of Governance;
- receive day-to-day guidance from the team leader for Democratic Governance and Peacebuilding and the Executive Director of the Legal Aid Commission

These arrangements will be clarified during the introductory call with the team.

## V. LOGISTICS AND ADMINISTRATIVE SUPPORT TO PROSPECT IC

- The consultant will be given access to relevant information necessary for execution of the tasks under this assignment.
- The consultant will be responsible for providing her/his own working station (i.e. secretariat, laptop, internet, phone, scanner/printer, etc.) and must have access to reliable internet connection.
- The consultant is expected to be available for consultations and be in reliable email contact for a set number of hours that align with UNDP business hours.

## **VI. DURATION OF THE WORK**

This assignment is expected to last for 30 working days between 11<sup>th</sup> October – 30<sup>th</sup> November, 2021.

## **VII. QUALIFICATIONS OF THE SUCCESSFUL INDIVIDUAL CONTRACTOR (IC)**

The successful consultant must possess the following:

### **Education:**

Master's Degree or equivalent in Law, Social Sciences, Governance or related field.

### **Work Experience:**

- Substantive experience conducting in drafting legislative instruments for legal policies area of law and access to justice for at least the last seven years;
- Proven ability to develop guides, manuals and Handbooks for legal aid delivery
- Demonstrated understanding of the issues of rule of law access to justice and Legal Aid, particularly for the poor and vulnerable
- Demonstrated experience working on policy and programmatic issues with national and/or local governments as well as civil society organizations;
- Experience or strong familiarity with the work of UNDP and/or other multilateral, bilateral and civil society development partners;
- Documentary evidence of the experience and information on similar assignments undertaken by the consultant including location, nature of services provided details of clients and durations of recent assignments will be required.

### **Functional Competencies:**

- Excellent analytical and organizational skills;
- Excellent facilitation and presentation skills
- Excellent oral and written communication skills, with analytic capacity and demonstrated ability to synthesize complex information in high quality papers/reports and in effective presentations to different audiences;
- Exercise the highest level of responsibility and can handle confidential and politically sensitive issues in a responsible and mature manner.

### **Core Competencies:**

- Ability to manage time effectively and adhere to deadlines
- Must be a computer literate
- A strong team player
- Ability to work with diverse views and opinions.

### **Important Note:**

The Consultant is required to have the above mentioned professional and technical qualifications. **Only the applicants who hold these qualifications** will be shortlisted and contacted.

#### VIII. CRITERIA FOR SELECTING THE BEST OFFER

Upon the advertisement of the Procurement Notice, qualified Individual Consultant is expected to submit both the Technical and Financial Proposals. Accordingly, Individual Consultants will be evaluated based on Cumulative Analysis as per the following scenario:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. In this regard, the respective weight of the proposals are:
  - a. Technical Criteria weight is 70%
  - b. Financial Criteria weight is 30%

Criteria	Weight	Max. Point
<b>Technical Competence (based on CV, Proposal and interview (if required))</b>	<b>70%</b>	<b>100%</b>
<ul style="list-style-type: none"> <li>• Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization &amp; completeness of the proposal</li> </ul>	15	15pts
<ul style="list-style-type: none"> <li>• Minimum educational background as per the requirement in the ToR</li> </ul>	10	10pts
<ul style="list-style-type: none"> <li>• Substantive experience conducting in drafting legislative instruments for legal policies area of law and access to justice for at least the last seven years (10 marks);</li> <li>• Proven ability to develop guides, manuals and Handbooks for legal aid delivery (10 marks)</li> <li>• Demonstrated understanding of the issues of rule of law access to justice and Legal Aid, particularly for the poor and vulnerable (10 marks)</li> </ul>	30	15pts
<ul style="list-style-type: none"> <li>• Documentary evidence of the experience and information on similar assignments undertaken by the consultant including location, nature of services provided details of clients and durations of recent assignments will be required. (15 marks)</li> </ul>	15	30pts
Financial (Lower Offer/Offer*100)	30%	100
Total Score	Technical Score * 70% + Financial Score * 30%	

#### IX. PAYMENT MILESTONES AND AUTHORITY

The qualified consultant shall receive his/her lump sum service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
1 <sup>st</sup> Installment	Upon Submission of Draft regulations on Paralegal Service Delivery	UNDP/LAC	30%
2 <sup>nd</sup> Installment	Upon Submission of Draft Standard guide for paralegal service delivery	UNDP/LAC	30%
3 <sup>rd</sup> Installment	Upon Submission of Final Standard guide for paralegal	UNDP/LAC	40%

Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
	service delivery with inputs and comments from stakeholders incorporated/addressed		

## X. CONFIDENTIALITY AND PROPRIETARY INTERESTS

The Individual Consultant shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of UNDP and LAC.

### Prepared By:

**Name:** Jennifer Asuako

**Title:** Programme Analyst

**Signature:** Jennifer Asuako

**Date:** 23-Sep-2021

### Approved By:

**Name:** Edward Ampratwum

**Title:** Head of Democratic and Peacebuilding Cluster

**Signature:** Edward Ampratwum

**Date:** 23-Sep-2021