



TERMS OF REFERENCE

DFF Pilot Phase Evaluation

1 OBJECTIVES OF THE TERMS OF REFERENCE

Digital rights are under threat across Europe. In response to this threat, a need has been identified to strengthen the digital rights litigation field in order to increase the impact of both litigation and advocacy efforts in this area. It was concluded that this task was so substantial, it required the creation of a dedicated entity to achieve this goal efficiently.

The Digital Freedom Fund (DFF) was established as a 3-year pilot project in 2017 to support strategic litigation on digital rights in Europe by (1) providing grants for strategic court cases and (2) facilitating collaboration between digital rights actors. From the outset, DFF had four primary project goals as set out in its Theory of Change:

1. More strategic digital rights cases brought that have potential for positive impact;
2. Partners and grantees can bring stronger cases and engage in strengthened advocacy due to increased collaboration with each other and increased pro bono legal support;
3. Partners and grantees are more united behind an aligned strategy on digital rights in Europe, allowing them to more effectively plan and coordinate litigation;
4. Partners and grantees have enhanced strategic litigation and leadership skills.

As DFF enters the third and final year of its pilot phase, DFF and its seed funders would like to carry out a comprehensive programme evaluation to evaluate DFF's progress towards its project goals and to take a step back to reflect on the goals and strategy being implemented to protect digital rights in Europe.

2 SCOPE & AIM OF THE EVALUATION

The three-year pilot phase began on 1 October 2017 and will end on 30 September 2020. To critically reflect on this pilot phase, DFF is seeking an Expert or a team of Experts to evaluate DFF's effectiveness and efficiency from the beginning of the pilot to the present.

The evaluation will assess the organisation and programme design, scope of work, implementation, and the capacity of the organisation to achieve its objectives. It will analyse lessons learned, challenges faced, and practices developed during implementation. The evaluation will focus on five areas of evaluation:

- **Relevance:** Is DFF's vision, strategy and approach appropriate to achieve the initially defined objective of "advancing digital rights in Europe by supporting strategic litigation"? Are DFF's current activities fully harmonised with the organisation's scope and mission? Are activities balanced or is there something DFF is doing too much or too little of? Are there additional

types of grants which could be beneficial to the field which fit within DFF's scope and mission?
How should DFF's strategy and activities be adapted to better strive towards its objectives?

- **Effectiveness:** What progress has been made towards achieving DFF's objectives as an organisation and the goals/metrics laid out at the beginning of the pilot phase? What have been challenges faced and lessons learned in implementation?
- **Efficiency:** Has DFF been efficient in carrying out its mission? Is DFF (in terms of staffing capacity, structure, governance, etc.) efficiently organised to execute its next three-year plan and meet its ultimate objectives? What changes or further internal organisational developments could better position DFF to carry out its mission in the future?
- **Progress towards impact:** What progress has been made towards DFF's long-term strategic impact goals? What systems have been put in place to ensure monitoring of process towards these goals?
- **Future action plan:** What further actions or strategies can DFF adopt to better achieve its objectives and goals in the next three years?

The evaluation is considered a decisive and essential exercise for DFF which should consist of two parts. Part 1 should look to the past to analyse and evaluate DFF's work during the pilot phase. Part 2 should be forward looking and involve making strategic recommendations for DFF as it leaves the pilot phase. The evaluation is thus a high priority for DFF and not solely motivated by the interest of DFF's funders. With the organisation's future interests in mind, DFF is committed to full cooperation during the evaluation to produce constructive insights and a pragmatic action plan for the future. The evaluation will be managed by DFF's Director in collaboration with its Board and core donors via the Evaluation Steering Committee.

3 RESPONSIBILITIES OF THE EXPERT(S)

DFF welcomes different methods for data collection and analysis. It should be clear in the proposal why the selected methods are appropriate (e.g. disaggregated analysis, etc.). It is expected that all DFF staff will need to be engaged in the evaluation, possibly in multiple ways (i.e. participating in interviews, filling questionnaires, etc.).

Envisaged activities include:

- interviews with 3-4 representatives from network partners;
- interviews with 3-6 other digital rights stakeholders; and
- a deep-dive review of a sub-sample of 3-5 grantees.

Envisaged activities are recommended activities. The Expert(s) is/are expected to suggest any alternate and/or additional activities they find appropriate in the proposal methodology.

The methodology should:

- focus on qualitative data supplemented by available quantitative data;
- use different data sources;
- be appropriate for the context in which DFF operates; and
- be efficient in the use of stakeholders' time.

The Expert(s) will be responsible for the collection, collation and analysis of all data and information as well as the presentation and discussion of the results. In the proposal, the Expert(s) will be required to show which methods and tools they will use to carry out the evaluation in an organised and systematic manner. The proposal should also clearly demonstrate how these methods will lead to concrete recommendations. The results of the evaluation process should be presented in the form of the deliverables outlined in the table below.

Deliverable	Description and Requirements
Kick-off meeting/call	Call with the Evaluation Steering Committee to discuss the assignment expectations and framing. Based on interviewee criteria provided by the Expert(s), the Committee should provide a list of suggested interview partners. The meeting/call should result in a list of documents/data for desk review that DFF should provide the Expert(s) with as soon as possible.
Inception Report (max. 12 pages)	The Expert(s) will prepare the Inception Report which details the Expert(s) understanding of the assignment and how the evaluation questions will be addressed. This is to ensure that the Expert(s) and the stakeholders have a shared understanding of the assignment. The Inception Report should include an evaluation matrix summarising the evaluation design, methodology, evaluation questions, data sources and collection analysis tool for each data source such as draft questionnaires for external stakeholder interviews (e.g. network partners, grantees). The Inception Report should include a proposed schedule of tasks; activities and deliverables, with clear responsibilities for each task or product. The Inception Report will be discussed and agreed upon with the Evaluation Steering Committee.
Draft Evaluation Report	The draft should be submitted for review and comment to the Evaluation Steering Committee.
Call to discuss Draft Evaluation Report	Two weeks after the draft is submitted, a call with the Evaluation Steering Committee should take place to discuss findings and the Committee's feedback.
Final Evaluation Report (30 - 50 pages including annexes)	<p>The Final Evaluation Report is expected within 10 days of the call with the Evaluation Steering Committee unless otherwise agreed. The Final Evaluation Report will incorporate the feedback given by the programme stakeholders.</p> <p>Report contents:</p> <ul style="list-style-type: none"> • Executive summary (1-2 pages) • Introduction (1 page) • Description of the evaluation methodology (max. 6 pages) • Situational analysis with regard to the outcomes and organisational strategy (6-7 pages) • Analysis of opportunities to provide guidance for future programming (6-8 pages) • Key findings, including best practices and lessons learned (4-5 pages) • Limitation of research and finding (1-2 pages) • Conclusion and recommendations (4-5 pages) • Appendices: charts, terms of reference, field visits, people interviewed, documents reviewed

The Expert(s) may propose any additional deliverables they see necessary to complete the assignment.

4 EXPERT(S) PROFILE

Both individual Experts and teams of Experts are welcome to apply. DFF believes a team of at least two and up to five Experts may be necessary to carry out the assignment. All experts should be independent experts that have not had been involved in the work being evaluated.

General requirements:

- Extensive expertise, knowledge and experience in NGO governance, programme formulation, monitoring and evaluation;
- Expertise in evaluating human rights, legal, international advocacy and/or grant-giving programmes;
- Legal expertise or experience in evaluating (strategic) litigation-focused projects a strong plus;
- Prior experience in working with international organisations and donors;
- Excellent analytical skills and ability to visually and verbally demonstrate ideas; and
- Excellent report writing and presentation skills.

The Expert(s) will need to be available to travel to Berlin and have permission to work within the EU. The Expert(s) will need to be able to provide proof of registration for tax purposes.

5 HOW TO APPLY

Each Expert or team of Experts should submit a 1-2-page concept note, CV(s) of the proposed Expert(s) and a writing sample of work on similar or otherwise representative projects. The concept note should outline the specific experience and expertise the Expert(s) have that make the Expert(s) a good match for the assignment. In case of teams of Experts, the concept note should also explain how work would be coordinated between experts.

Based on the submitted documents, DFF will create a shortlist of eligible Experts. The shortlisted Experts will be invited to submit a proposal. The proposal should have a maximum of seven (7) pages excluding annexes and include:

- Methodology and approach;
- A summary of relevant experience and examples of previous relevant evaluations;
- Consideration of risks involved in the project;
- CV(s) of the Expert(s) with confirmation of availability (provided as an annex);
- Work plan and timeline reflecting the number of days which will be spent on the assignment by each Expert (provided as an annex); and
- Financial plan (provided as an annex).

The proposal should present the methodology and approach for carrying out the evaluation, the risks associated with the evaluation, relevant experience and examples. The CV(s), work plan and financial plan can be provided as annexes along with any other documents which support the proposal. The work plan should outline the project's phases, proposed start date, timeline and major tasks/activities. The workplan should also indicate any travel necessary to carry out the assignment, e.g. to Berlin for interviews with the DFF team, etc.

The proposal must also include a financial plan. It is possible to include the financial plan in the work plan or a separate annex. The financial plan should indicate the number of days proposed for the

assignment, the breakdown of fees and an estimate of any expenses the Expert(s) expect to incur in the undertaking of the assignment.

If you have any questions concerning the ToR, please submit your questions in writing to the email address info@digitalfreedomfund.org with “Programme Evaluation ToR – Question” in the subject line by no later than 23:59 CET 15 November 2019.

Please send the concept note, CVs and writing sample as an attachment to info@digitalfreedomfund.org with “DFF Programme Evaluation Concept Note Submission” in the subject line by no later than 23:59 CET 22 November 2019.

6 SELECTION CRITERIA

In selecting the Expert(s), DFF will consider:

- Experience of the Expert(s);
- Value for money;
- Suitability of the approach and proposed methods;
- Innovativeness of the approach;
- Communication and presentation skills;
- Consideration of risks and mitigation; and
- Understanding of DFF’s work and objectives.

7 TIMEFRAME

The evaluation should begin no later than March 2020 and be finalised no later than June 2020.

Dates:

Deadline for question on ToR	15 November 2019
Deadline for concept note and CVs	22 November 2019
Invitation for proposals (latest date)	29 November 2019
Deadline for proposals	16 December 2019
Interviews	13 January 2019
Appointment of Expert(s)	By last week of January
Final report delivered	30 June 2020