

TERMS OF REFERENCE (TOR) FOR INSTITUTIONAL CONTRACTORS**International Institutional Consultancy for the provision of support to the Ministry of Finance and Social Welfare in the process of development of the Strategy for Deinstitutionalization for the part related to children and youth****1. Background and Context**

All children, adolescent, youth and adults have a right to family life, whether in their own family or alternative family. All persons have the right to live independently and to be included in the community, as well as the right to choose their place of residence and where and with whom they live, and the right to live in dignity. Those rights are set out in the relevant UN and European human rights treaties, including the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the revised European Social Charter and the Charter of Fundamental Rights of the European Union. In practice, the right to live in family and community requires the availability of family support and family and community-based alternative services which provide the support which people need to enable them to participate in everyday life.

The reform of the social and child protection system in Montenegro, led by the Ministry of Finance and Social Welfare, has intensified since 2011, with the EU and UN (UNICEF and UNDP) assistance. It has resulted in renewed policy and legal framework. At the same time, important efforts have been invested in strengthening institutional capacities and expanding family and community-based services for vulnerable children and families. This reform has encompassed a new Law on Social and Child Protection (2013), reorganization and introduction of modern working methods in Centres for Social Work (case management, Integrated Social Welfare Information System), establishment of the Institute for Social and Child Protection (in charge, inter alia, for quality assurance of the system) and the Division for Development of Social and Child Protection Services; strengthening of intersectoral cooperation and professional capacities of relevant sectors for the prevention of family breakdown; expanded family and community based services (foster care particularly non-kin foster care, day care centres for children with disabilities, small group home, family outreach service for the prevention of family breakdown, home care for elderly, national SOS helpline for victims of domestic violence, day care centers for elderly and persons with disabilities, etc.).

The development of family support and community-based services is one of the key aspects of the social welfare and childcare system reform and deinstitutionalization is perceived as a core stone of the overall reform. The Law on Social and Child Protection, emphasizes the prevention of institutionalization and availability of services in the least restrictive environment as a key reform principles, including development a pluralism of services and service providers (state and non-state) ; partnerships and joining of different entities responsible for activities and programmes, especially at the local level, with the objective of making services available in the least restrictive environment and preventing institutionalization. Furthermore, Article 117 of the Law, provides that public institutions which perform activities related to the provision of accommodation (placement) to children, youth, adults and elderly shall be transformed with a view to developing services supporting independent living, counselling-therapeutic or socio-educational services, in accordance with the plan of transformation adopted by the competent state administration body. Still, the most progressive achievement of the Law on Social and Child Protection is Article 70, calling for ending placement of children under three years of age in residential institutions.

The development of family and community-based services focuses on intensifying family and community-based care while reducing current institutional placement, in line with the key policy national, regional and international recommendations. Development of family and community-based services contributes to the full

compliance with the Montenegrin major reform principles in the area of social and child protection: decentralization, deinstitutionalization and living in the supportive, least restrictive environment.

Preventative services for children and their families were on the rise, with important stagnation in the last 3-4 years. While until 2010 there was only one day care centre for children with disabilities, there are now 17 such day care centres across the country. As regards alternative care for children, significant efforts have been invested in the development of foster care. While kinship care had been used as a form of alternative care, non-kin foster care had been underdeveloped in Montenegro. In the past years, legal reform, capacity building of relevant professionals, development of services, quality assurance mechanisms, and mass media campaigns contributed to the achieving zero children from 0-3 years of age in institutional care, 50% decrease of a number of children in institutional care overall and 15% increase in the number of children in foster care in the period 2010-2020. Still, the foster care system in Montenegro is not properly developed and does not adequately address number of issues, including budgeting for foster care, development of special forms of foster care, remuneration for foster families, case management for foster care, monitoring and evaluation system for foster care, etc.

At the end of 2021, there were 119 children in Montenegro's institutions. However, over the years, children with disabilities remain overrepresented in institutional care (accounting for more than 50% of children in institutions). When it comes to adults, capacities for the elderly accommodation in the residential care have been significantly increased – a home for the elderly has been opened in Pljevlja (capacity 68), and at the end of 2020, homes for the elderly have been established in Podgorica (capacity 270) and Nikšić (capacity 208). Compared to the period of 4 years ago the capacities for residential care of elderly have been doubled.

The social welfare and childcare system reform should continue as a matter of priority and the deinstitutionalization process should be accelerated for all children and adults and in particular children and adults with disabilities. In this spirit, in 2022, the Ministry of Finance and Social Welfare has prioritized deinstitutionalization in its key short-, mid- and long-term strategic reform documents, which will be initiated with the development of the five-year Strategy on deinstitutionalization which will be the framework for strategic actions for both deinstitutionalisation of children and adults in Montenegro. While UNDP will provide technical support to the Ministry of Finance and Social Welfare's Working group on development of actions related to deinstitutionalization of adults, UNICEF will be a key supporting agency for overall deinstitutionalization process and more specifically deinstitutionalization of children, adolescents and youth in Montenegro.

2. Objectives, Purpose & Expected Results

- The purpose of this assignment is to support the Government of Montenegro, i.e., the Ministry of Finance and Social Welfare to advance the rights of the most vulnerable children, adolescents, youth and adults in Montenegro who live in large scale institutions and provide them with equal opportunities to live safe and dignified life in a caring family or family like environment i.e. accelerate deinstitutionalization process in Montenegro and ensure children, adolescents, youth and adults are removed from large scale residential institutions to family and community-based care.
- The primary purpose of this assignment is to provide technical guidance and support to the Ministry of Finance and Social Welfare and its Working group which will result in developing of the evidence based Strategy on Deinstitutionalization for the part related to children and youth accompanied with a costed five-year strategic framework and Result Based Monitoring Matrix on deinstitutionalization of children, adolescents, youth and adults in line with the relevant regional and international standards. The Strategy will include development of specific outcomes, outputs and activities with related indicators and budgeted

action plan with clear monitoring and evaluation framework. The Strategy will include first year Action plan for its implementation.

The methodology

The following methodology should be used:

- Review the existing bulk of research, evidences and data generated (other resources might be available):
 - Law on Social and Child Protection, 2021;
 - Family Law of Montenegro, 2016;
 - Roadmap for Social and Protection Reform, (CODI analysis), 2021, *UNICEF and the Ministry of Finance and Social Welfare, 2021*
 - Analysis on the Foster care system and accelerate strengthening/expansion of foster care in Montenegro, 2021, *UNICEF and Institute for Social and Child Protection*;
 - Analysis of the Work of Centres for Social work in Montenegro, 2018, *Ministry of Finance and Social Welfare and UNICEF*;
 - Roadmap for the transformation from institutional to community-based care based on a minimum package of family and community-based services including costing analysis, 2019, *UNICEF*
 - Directions of Changes in the Near Future in Social and Child Protection Programs in Montenegro, , IPA project Strengthening Capacities of the Social and Child Protection System in Montenegro, *Gordana Matković Government of Montenegro/MFSW*
 - Research on need for development and standardization of new social and child protection services in Montenegro, IPA Project Strengthening Capacities of the Social and Child Protection System in Montenegro, *Institute for Social and Child Protection*,
 - Evaluation of the Strategy for Social and Child protection (2018-2022), Ministry of Finance and Social Welfare;
 - Evaluation of the Strategy on the Promotion and Protection of Children from Violence (2017-2021); 2021, *Ministry of Finance and Social Welfare and UNICEF*;
 - Research on the needs for development of standardised and new social and child protection services (2021); *Institute for Social and Child Protection and UNICEF*
 - Analysis of the cross-sector system support for children with disabilities in Montenegro, 2020, *Council on Child Rights and UNICEF*
 - Analysis of needs and opportunities for establishing family support and services provided at the community level for biological families, 2021, *Institute for Social and Child Protection*
- Prepare Inception report of the main strategic issues identified and how they should be addressed in the new strategic framework based on consultations with major stakeholders and aforementioned documents, as an initial input to the working group;
- Communicate and work directly with respective officials in the MFSW and the working group, UNICEF and UNDP for the strategy development;
- Provide direct and continuous assistance to the working group through provision of relevant inputs, feedback, providing and addressing comments and recommendations during the strategy drafting process;
- Co-draft the comprehensive evidence based and costed national strategy for the part related to deinstitutionalization of children, adolescents, youth (while the part related to adults will be supported by UNDP consultants) and take part in the presentation of the draft strategy;
- Draft costed framework action plan for 2023 in line with main strategic directions;
- Provide Final Draft of the DI Strategy following public consultation process and final inputs, feedback received by the Working group, experts and professionals from other sectors, CSOs, NHRI, etc.

- It is expected that UNICEF and UNDP consultants will exchange information on a regular basis and will structure the scope and content of support and work in synergy.
- To provide other related assistance if required.

UNICEF consultants will focus on development of the vision, major principles and directions of the strategy, the rationale, evidence-based justification, and particular segments of the Strategy related to children, adolescents and youth, including specific outcomes, outputs and activities with related indicators and budget which would be subject to further review of the Ministry and the working group, while UNDP assistance will be contributing to the same outcomes with regard to adult population.

All deliverables should be produced in local language and final product in both, local and English language .

Meetings will be scheduled by the Ministry of Finance and Social Welfare who will be leading the Working group in the process of development of the Strategy on deinstitutionalization of Montenegro.

The consultancy company will be responsible for elaborating the methodology in more detail to be employed in their technical proposal. The implementation of the consultancy tasks will follow the methodology and workplan as agreed with UNICEF and in agreement with the MFSW upon the contract start.

3. Description of the Assignment

This consultancy should compile and analyse relevant evidence to feed into the drafting a DI Strategy with the Annual Action Plan. To cover potential knowledge gaps and validate existing findings, additional interviews with main counterparts of the system are envisaged (MFSW, CSWs, Institute for Social and Child Protection, other sectors, CSOs, ICRI, beneficiaries) to understand main achievements and needs for 5-year strategic period. This will serve as basis to technically support the national working group for strategy development.

Currently, there is a process of evaluation of the national childcare reform initiatives with a strong focus on de-institutionalization (DI), including in particular for children with disabilities for the period of 2009 to 2021 which findings will be very much considered during the process of drafting the Strategy. In addition, other aspects of DI and child care reforms which should be included, but not limited to, are:

- enhancement of the gate-keeping system (decision-making in the best interest of the child);
- development of a range of alternative family- and community-based care;
- promoting case management, including multidisciplinary and cross-sectoral response to child's needs;
- creating and strengthening the social service workforce capacity to work for the prevention of separation and for family- and community-based care for children;
- closure or transformation of the large-scale institutions with reallocation of resources towards family- and community-based services and more specialized, family-based care services in the protection response;
 - strengthening of family support (and reintegration) services for families and children;
 - Minimum package of services at the local level.

Links with other reforms:

- Education sector: development of inclusive education as a key;
- Health sector: early detection & intervention in cases of disability, as a key factor to enable early intervention, and provision of specialized services and additional refer to family support services, rather than a rehabilitative, institutional approach to family support.
- Social Protection: increasing the coverage of children with universal and targeted services, especially for children with disabilities; Roma children, migrant and refugee children.

The Contractor is expected to complete the following tasks:

- **Inception phase – desk review and data analysis: Draft an Inception Report (1st deliverable):** Apart from the listed document above, the desk review will include international standards (CRC, CRPD, CEDAW, UN Guidelines on the Alternative Care of Children etc.) and comparative experiences and good practice examples from other European countries, (10 days)
- Draft outline of the Strategy on Deinstitutionalization for the part related to children and youth (**2nd deliverable**); the Outline for the Strategy needs to be produced with the description of key sections of the Strategy in a format that is prescribed in Montenegro; Once the Outline is accepted by the Ministry/WG and the inputs are received, it is expected that the key programmatic sections of the Strategy would be developed, including costing, inputs, outputs, outcomes and indicators; The comments/inputs received from the Ministry/WG need to be addressed and resolved (20 days in total);
- Draft DI action plan for 2023 (**3rd deliverable**) and provide it to the key stakeholders (Ministry /Working group/UNICEF); Draft of the Action Plan will be shared with the Working group for comments which need to be addressed and resolved (7 days in total);
- Prepare a presentation in a PPT Format and present the final draft of the Strategy and its Action Plan to the relevant partners (4 days in total).
- Finalize DI Strategy and action plan based on the comments received (**4th deliverable**, 4 days in total).

4. Key deliverables, timelines, and payment schedule

Deliverables	Timeline	Schedule of Payment
Inception report	By 15 July 2022	40%
Outline for the preparation of the Strategy <i>The deliverable should be informed by desk review of the relevant strategic, legislative and analytical documents, interviews with core team, and analytical comparison of earlier strategy and evaluation results with existing reform recommendations</i> <i>The document will compile main strategic reform direction proposals for the new strategy, serving as an input to the discussions of the Working Group and to inform the national dialogue about the strategic approach thus informing the content of the new strategy</i>	By October 2022	

Relevant documentation will be provided by the UNICEF and MFSW, home-based		
Draft Strategy and Action Plan for 2023 <i>The consultancy will support the Working Group to prepare background documents for the working group meetings, draft parts of the strategy as required by the MFSW and the working group, present to the Working Group and address comments by the Working Group</i> <i>Support drafting of the costed action plan for 2023</i>	By 20 December 2022	50%
5. Presentation of final drafts of Strategy and Action Plan (Deliverables 3 and 4) to the Working Group and relevant stakeholders, to enable the final decision on the adoption of the documents <i>As the drafting of the strategic document is finalized, the consultancy will present the final draft text (to the extent developed by UNICEF consultancy) to the Government of Montenegro to facilitate the adoption of the strategic document.</i> <i>The presentation will be made in person.</i>	By end 2022	10%

5. Travel

- Travel within the contract duration is required to Montenegro, three times for the purpose of meeting with the Working group working of the development of the DI strategy. Travel is to be confirmed by UNICEF. Other activities are expected to be conducted remotely – online.
- **Important:**
Travel costs will be calculated based on economy class travel, regardless of the length of travel.

Costs for accommodation, meals and incidentals shall not exceed applicable daily subsistence allowance (DSA) rates, as promulgated by the International Civil Service Commission (ICSC).

Recourse:

- UNICEF reserves the right to withhold all or a portion of payment if performance is unsatisfactory, if work/outputs is incomplete, not delivered or for failure to meet deadlines.

6. Management and Organisation

- Management: The consultancy will be supervised by UNICEF Montenegro Child Protection Officer.
- All deliverables need to be validated by UNICEF and the MFSW.
- Organization: International Institutional Consultancy is required, meeting the criteria described below.
- Schedule: The Contractor will be engaged over the period between 15 June and 20 December 2022 for in total 45 working days

7. Qualification Requirements

The structure of the project team:

a. Requirements from Leader of the Project team must possess:

- Advanced university degree in social sciences/social policy, public administration, or a related field;
- At least 10 years of experience and expertise in the area of social and/or child protection A degree in law or social sciences, PhD degree will be considered as advantage;
- At least 7 years of experience in the preparation of analytical study papers, strategies, preferably in the area of social and protection, including financial planning and M & E;
- Good knowledge of social protection floor framework;
- Knowledge of the social and child protection reform processes in Montenegro;
- Excellent analytical and writing skills demonstrated by proven record of concise and clear publications and reports relating to analysis of social policy, strategy and plan development, etc. As a part of the technical evaluation, applicants are requested to provide a recent piece of work. Experience in working with policy makers and multiple government stakeholders for multisectoral approach is an advantage;
- Excellent command of English and local language, both oral and written;
- Familiarity with the local context in Montenegro is a distinct advantage;
- Excellent command of English language, local language is an advantage (both spoken and written);
- Strong communication and negotiation skills, participatory planning processes skills;
- Previous work experience with an UN agencies will be considered as an advantage.

b. Requirements from International Child Protection Expert

- Advanced university degree in Law, social sciences/social policy, public administration or a related field
- At least 7 years of experience and expertise in the area of social and/or child protection;
- At least 5 years of experience in research, analysis and development of policy and strategic documents in child protection sphere;
- Demonstrated expertise on child protection and De-I, disability and gender issues in the context of social and child protection programmes;
- Excellent analytical and writing skills demonstrated by proven record of concise and clear publications and reports relating to analysis of social and/or protection sector, social protection policy, strategy and plan development, etc. As a part of the technical evaluation, applicants are requested to provide a recent piece of work. Experience in working with policy makers and multiple government stakeholders for multisectoral approach;
- Familiarity with the local context in Montenegro in particular with respect to the child care system and De-I is a distinct advantage;
- Excellent command of English language, local language is an advantage (both spoken and written);
- Knowledge of the Convention on the Rights of the Child, Convention on Elimination of All Forms of Discrimination Against Women, Convention on the Rights of Persons with Disabilities, European Social Charter, Revised European Social Charter, European Convention on Human Rights and Fundamental Rights, etc. and other relevant international and regional standards in the area of social and child protection;
- Previous work experience with UNICEF and/or UN system will be considered as an advantage.

8. Application procedure

The potential contractors are expected to submit a proposal based on these Terms of Reference. The proposal should consist of:

- i. **Technical Proposal including:**
 - a) Portfolio of the organisation/institution/agency with examples of previous work on similar projects and clients in the last 5 years, including recent piece of work similar to the one per the ToR;
 - b) Title/designation of each team member including their CVs;
 - c) Detailed description of the methodology and technical approach;
 - d) Tentative work plan with the number of days and timeframe in line with the above deadlines for deliverables;
 - e) Supplier Profile Form.
 - f) LRPS Form signed.
 - g) 3 Reference contacts from other clients.
- i. **Financial Proposal (Budget) including** daily fee rate for each team member per deliverable as well as the total cost per professionals based on the number of working days included in the Technical Proposal as well as any other cost as applicable.
The financial proposal shall indicate budget estimated in EUR.

8. Evaluation

1) Technical components

ITEM	TECHNICAL EVALUATION CRITERIA	MAX OBTAINABLE POINTS
1	Overall Response <i>Overall Response - the understanding of the assignment by the proposer and the alignment of the proposal submitted with the ToR</i>	10 points total
1.1	• Completeness of response	1.1 – 5 points
1.2	• Overall concord between TOR requirements and proposal	1.2 – 5 points
2	Company and Key Personnel <i>Range and depth of organizational experience with similar projects</i>	40 points total
2.1	• Demonstrated capacity for research, analysis and development of policy and strategic documents in the area of social and child protection	2.1 – 14 points
2.2	• Samples of previous work	2.2 – 5 points
2.3	• Key personnel: relevant experience and qualifications of the proposed team for the assignment	2.3 - 14 points
2.4	• Company policy on Child labor, Safeguarding and Prevention of Sexual Exploitation and Abuse (articulate policies for the protection & safeguarding of children and prevention of PSEA) - mandatory	2.4 – 2 points
2.5	• Gender component: At least 1 female in the management structure or ownership of the company - mandatory	2.5 – 2 points
2.6	• Workplace policies on disabilities - mandatory	2.6 – 3 points
3	Proposed Methodology and Approach	20 points total
3.1	• Work plan	3.1 – 10 points
3.2	• Methodology used - compatibility with UNICEF	3.2 - 6 points
3.3	• Project management, monitoring and quality assurance process	3.3 - 4 points
TOTAL TECHNICAL SCORE		70

Minimum technical score: 70% of 70 points = 49 points

2) Financial component (total of 30points)¹

- Technical proposal evaluation. Proposals passing the minimum technical pass score (49 points-70% of the maximum points obtainable for technical proposal) will continue into the Financial proposal evaluation.
- Financial proposal evaluation. The lowest price proposal will be awarded the full score assigned to the commercial proposal.
- Recommendation. The recommendation for award of contract will be based on best combination of technical and financial score.
- Final award and contracts. Based on verified nominations and final scores, contract negotiations could be initiated with one or more successful Proposers.
- The UNICEF evaluation team will select the Proposal which is of high quality, clear and meets the stated requirements and offers the best combination of technical and financial score.

Remarks:

- UNICEF Montenegro Office holds copyrights for all reports. The documents (including raw materials, etc.) may not be reproduced, distributed or published without the written permission from UNICEF.
- All personal data should be accessible to team members, but no one else. The consultants need to set up secure systems (a) to ensure that other staff within their institutions cannot access their data via the shared staff drives, and (b) to ensure secure data transfer between institutions. Cloud based storage with limited sharing rights could be considered in this instance. Different personal data files need to be linkable, they need to be held separately so that they can only be linked purposely, by researchers who are authorised to do so. There is also a need to ensure that data cannot be removed from secure systems in ways that might compromise data security.
- UNICEF Montenegro Office will share with the selected consultants all the relevant materials it has and provide required expertise.
- UNICEF Montenegro Office will review and provide feedback on reports prepared by consultants.
- All information from produced reports cannot be shared with the media without the written approval of UNICEF Montenegro Office.
- **Payment schedule**

The payments will be made upon successful completion of the deliverables and submission of invoices, as follows:

- a. Inception report and Outline for the preparation of the Strategy provided: 40 %
- b. Development of the draft Strategy on deinstitutionalization for the part related to children and action plan for 2023 - 50%;
- c. Development and presentation of the final draft of the of the draft Strategy and Action plan 2023 on deinstitutionalization in Montenegro – 10%.

¹ Financial offer will be reviewed only if Technical proposal meets minimum required quality standards.