1. Background and Context

Montenegro is in the process of accession to the EU and leaving no one behind has been one of the cornerstones of its development agenda, among other, through SDGs nationalization. Montenegro, therefore, has undertaken relevant measures to implement institutional, legislative, and administrative reforms in order to align its policies with those EU accession process and international human rights standards, including the UN Convention on the Rights of the Child and the EU Charter of Fundamental Rights.

Montenegro has a strong social and child protection system, comprising non-contributory social assistance, contributory social insurance, social and child protection services. The Law on Social and Child Protection (2013) is the main legal framework for social and child protection services and social assistance in the country. The Ministry of Labour and Social Welfare (MLSW) is the main institution in charge. However, some forms of social assistance are the responsibility of the Ministry of Agriculture, Forestry and Water Management (cash benefits for the elderly and payments in lieu of contributions to the pension system) and Ministry of Education (free textbooks, free meals for children attending pre-school education which come from families who receive social assistance). Moreover, in the context of a decentralized system of governance, at the municipality level decisions are made to offer and deliver a range of forms of social services and social assistance.

The current social challenges in Montenegro are poverty, social exclusion, adversity, unemployment (especially among young people and women), internal migration, social polarization, and socio-demographic trends such as aging population. In order to better respond to the social challenges, Montenegro has been carrying out comprehensive reform of the social and child protection system over the last 10 years. The initial incentive for the reform was the expert support of UN agencies (UNICEF and UNDP) and the significant financial support of the European Union (IPA 2010 and 2014), which resulted in the harmonization of the legal and strategic frameworks with international documents and standards, establishment of the Institute for Social and Child Protection (in charge, inter alia, for quality assurance), establishment of an Integrated Social Welfare Information System, establishment of the Division for Development of Social Services; strengthening of intersectoral cooperation and professional capacities of relevant sectors for the prevention of family breakdown; and expanded family and community based services, implementation of a comprehensive reform of the Centres for Social Work, as well as intensification of the deinstitutionslization and decentralization processes, which resulted in a significant reduction in the number of beneficiaries of residential care and the expansion of the number of services provided at the family and community levels. One of the most significant results of the reform is the reform of the CSWs, aimed at introducing case management methodology into the work of the CSWs, changing the organization of the work of the centres and the introduction of supervision. Centres for Social Work are the key institutions in the area of social and child protection in Montenegro, with the public authority to provide social and child protection assistance to their beneficiaries: children (families), adults and elderly people. There are 13 functioning Centres for Social Work with 12 branch units, covering 24 municipalities throughout the whole territory of Montenegro. Meanwhile, the Employment Agency plays a crucial role in the ‘activation’ agenda, or in facilitating beneficiaries of certain types of social assistance to gain productive employment.
UNICEF Country Office in Montenegro supports the Government of Montenegro in social and child protection reform for progressive realization of the rights of children in Montenegro, with a special focus on children affected by poverty, adversity, and exclusion.

Following the expiry of the implementation period of the Strategy for the Development of Social and Child Protection (2018-2022), the Ministry of Labour and Social Welfare of Montenegro has requested UNICEF technical assistance to support the development of the new strategy for the development of the social and child protection system, including necessary inputs for development of the new Law on Social and Child Protection. Complementary technical assistance will be provided by the UNDP. The two UN agencies will be working in lockstep to comprehensively support the Ministry of Labour and Social Welfare in both processes of a) development of the new Strategy on Social and Child Protection and b) development of the new Law on Social and Child Protection.

It is assumed that more work remains to be done to consolidate the results already achieved and ensure quality reform and development of the social and child protection system, as well as further strengthen the institutional capacities to ensure accountability, better quality of the system, improved coordination, improved financing, accelerated implementation of laws and policies, expansion of services, etc. to effectively support vulnerable children and families.

The Ministry of Labour and Social Welfare will form a working group for the development of the new strategic and legal framework. The consultancy is expected to provide technical support in the process of development and drafting of the strategic and legal framework to the MFSS’s working group, based on assessments of current system and its strengths and weaknesses and earlier proposed reform directions, inputs from the working group on the desired direction of reforms and scope of social and child protection, including relationship with other policy areas of relevance (i.e. education, employment, etc.), and accounting for the current bottlenecks, how to address these, and a realistic development scenario for a five year period.

Relevant research, evidence and data available (other resources might be available):

- Analysis of the Work of Centres for Social Work in Montenegro (2018), UNICEF
- Fostering System Review, 2020, MFSS, UNICEF
- Analysis of the cross-sector system support for children with disabilities in Montenegro, 2020, Council on Child Rights and UNICEF
- Social Welfare Information System (SWIS), the national social and child protection management information system comprising wealth of information, MLSWMLSW
- Research on multiple benefits received (based on SWIS Management Information System information), UNDP
2. Objectives, Purpose & Expected Results

The purpose of this consultancy is to support the Ministry of Labour and Social Welfare to advance the rights of the most vulnerable children and families in Montenegro by supporting the process and providing recommendations/directions for the development of the new five-year strategy on social and child protection and the new Law on Social and Child Protection, based on national consultative process and in line with the relevant international standards.

The primary objective of the assignment is to provide high quality technical assistance to the Ministry of Labour and Social Welfare of Montenegro in the process of preparation and drafting of the new five-year strategy on social and child protection and budgeted action plan with clear monitoring and evaluation framework and recommendations for the development of the new Law on Social and Child Protection.

The secondary objective of the assignment is to support national discussion and agreement around main social and child protection concepts and alignment with international and regional standards, in line with global developments, and in the areas of poverty reduction, prevention and social inclusion, protection from adversity, violence and exploitation, deinstitutionalisation, etc.

3. Description of the Assignment

Reforming the social and child protection system will require understanding of the existing system including its main strengths and weaknesses and agreement of all stakeholders on the necessary alignment with international and regional standards and global developments, scope and role of the system. The new legal framework and

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1 Simulated potential expansion and effect of family material allowance (means-tested), child allowance, and income tax reform.
strategy should outline directions of development pertaining to specific systemic issues relevant to national policy implementation including: relationship vis-à-vis other relevant policy areas (cross-sectoral cooperation, financing and implementation) and the division of programmatic and financial responsibilities between local and central level implementing bodies.

Currently, a wealth of evidence exists that will support the reform process. The consultancy should compile and analyze relevant evidence to feed into the law and strategy development process. To cover potential knowledge gaps and validate existing findings, additional interviews with main counterparts of the system are envisaged (MLSW, CSWs, Institute for Social and Child Protection, other sectors, CSOs, ICRI, beneficiaries) to understand main achievements and lack of thereof in the former 5-year strategic period, and the reasons with informed previous developments. This will serve as basis to technically support the national working group for strategy development.

The technical support to support the working group meetings - shape and draft the strategy main elements, present and discuss its parts, as well as reflect recommendations of the working group will be provided in line with the national timeline for the strategy and law development throughout 2022, and the national methodology for the development of strategic framework.

The activities of the consultancy will be conducted in close cooperation with the working group established by the MLSW, UNICEF Social Policy and Child Protection team, and the UNDP team. The consultancy company is expected to:

- Review, within the preparatory phase, the existing strategic and legal framework and relevant evidence to support the strategy and law development and future of reform processes.
- Review the existing bulk of evidence generated (listed above) and the evaluation of the strategy for social and child protection with focus on elements achieved, partially achieved or not achieved and the reasons behind, pending issues to be resolved in future reform.
- Analyse how main analytical evidence and reform/directions of development recommendations,
- Notably pertaining to the Roadmap for Social and Protection Reform, Analysis of the Work of Centres for Social work in Montenegro, Roadmap for the transformation from institutional to community-based care based on a minimum package of family and community-based services, including costing analysis, Direction of Changes in the Near Future in Social and Child Protection Programs in Montenegro can be realistically integrated in the new strategic and legal framework;
- Prepare analysis of main strategic issues identified and how to be addressed in the new strategic and legal framework based on aforementioned processes, as a input to the working group for strategy development
- Communicate and work directly with respective officials in the MLSW and the working group for the strategy development
- To support the work of the working group and participate in public discussions for the preparation of strategic and legislative documents through provision of relevant feedback, providing and addressing comments and recommendations during the strategy drafting process
- To co-draft the comprehensive national strategy and action plan for the social and child protection system reform (with the working group and UNDP consultants), provide inputs and recommendations to the Law on Social and Child Protection and take part in the presentation of the draft strategy and law
- Provide direct support to MFSS`s working group in the process of drafting the Law on Social and Child Protection Draft costed framework action plan for 2023 in line with main strategic directions.
- To provide other related assistance if required.

Cognizant that the law and strategy development and agreement on the final text is a government -owned and -led process, the consultancy should pay due attention to the following identified issues of relevance (both
systematic and programmatic), providing guidance and recommendations to strengthen the social and child protection system and the effectiveness of national social policy more generally by:

<table>
<thead>
<tr>
<th>Issue</th>
<th>Theme</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. aligning the policy and legal framework with international and regional instruments ratified by Montenegro and address recommendations to fulfil obligations pertaining to human rights realization</td>
<td><strong>International and human rights obligations</strong></td>
</tr>
<tr>
<td>2. reforming centres for social work to allow more time for case management, increasing number and capacities of social service workforce and further capacity strengthening of social service workforce to support coordination, quality support and assistance and immediate interventions</td>
<td><strong>Reforming Centres for Social Work in line with Analysis of the Work of Centres for Social Work in Montenegro</strong></td>
</tr>
<tr>
<td>3. reforming cash benefits including by improving benefits means-testing to improve targeting for expanded coverage and poverty reduction, including suggestions for added support to families with lower prospects for employment, simplifying operational processes and moving away from gatekeeping approach to material benefits, all while allowing for more time for social work</td>
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<tr>
<td>4. review the right to disability-related benefits</td>
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<tr>
<td>5. review and strengthen employment-related benefits</td>
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<tr>
<td>6. establish procedures for alignment of benefits with inflation and minimum wage, while accounting that social protection does not demotivate employment activation</td>
<td></td>
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<tr>
<td>7. linking cash and services support to prevent family separation, preserve the family, prevent various child protection risks, support minority integration, for better outcomes for vulnerable population, and strengthening of the activation agenda</td>
<td></td>
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<tr>
<td>8. anticipating development of new services and scaling up of services (including their financing); with focus on integrated services, including social-health services, development of minimum package of services to be provided at local level, in particular for vulnerable groups, and ensuring quality assurance of services</td>
<td></td>
</tr>
<tr>
<td>9. providing recommendations and anticipating for expansion of child and family support services (both in law and strategy) with particular focus on supporting biological and foster families, introduction of specialized, emergency foster care and professionalization of fostering services</td>
<td></td>
</tr>
<tr>
<td>10. reviewing and strengthening integrated cash and services’ support to single-parents households in law and strategy, especially in the context of prevention of child abandonment and family separation</td>
<td></td>
</tr>
<tr>
<td>11. clarification of responsibilities between the local and central level (including in services’ provision and financing), guaranteeing adequate support to at-risk groups in line with their needs and through establishment of a minimum package of services to be delivered at local level</td>
<td>Systems’ functioning</td>
</tr>
<tr>
<td>12. establish cross-sectoral cooperation and financing arrangements (notably of cross-sectoral support and services), including to regulate beneficiary cost participation</td>
<td></td>
</tr>
<tr>
<td>13. financing framework for law and strategy implementation, including to recognize capital investments and donor funding (primarily IPA)</td>
<td></td>
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<tr>
<td>14. advancing coordination of all implementing actors in social and child protection, at policy planning and implementation level</td>
<td></td>
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<tr>
<td>15. advancing accountability, monitoring and evaluation function of the system</td>
<td></td>
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<tr>
<td>16. advancing quality assurance of the provision of social and child protection interventions and services, review and improve system of licencing of service providers</td>
<td></td>
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<tr>
<td>17. advancing supervision and inspection functions in the system</td>
<td></td>
</tr>
<tr>
<td>18. advancing MLSW and Institute for Social and Child Protection cooperation and evidence-based work-planning to align with planned reform processes</td>
<td></td>
</tr>
</tbody>
</table>

2 Related to work processes, and to review whether labour related benefits should be CSW responsibility (salary compensation reimbursements and maternity leave payments).

3 The Ministry can consider developing provisional list of research by the Institute for a 5 year period as an annex to the Strategy.
19. process plan to better align legal and strategy’s action planning preparation and national PFM (budget preparation and adoption) and IPA processes

20. including provisions and mechanisms to introduce safeguarding procedures for public and non-public service providers and all personnel working with children to prohibit persons convicted of criminal acts from working with children and beneficiaries

21. strengthening risk-informed shock responsive function of the system

22. elaborate potential to develop child guarantee in the future strategic framework (in line with the Montenegro IPA III strategic response document)

23. accounting for rights based and equity programming ensuring inclusion of those left behind in developmental and humanitarian processes

24. accounting for gender disparities and how to improve gender-responsive and gender-transformational function of the system

25. improving disability-inclusiveness of the system and programming

26. improving Roma integration

27. strengthened support to single-parent families

28. accounting for regional development disparities to ensure equal access for population at the whole territory of Montenegro

Other potential relevant issues, as suggested by the government institutions and through the national dialogue.

While the methodology will be suggested by the consultancy company, it is expected the consultancy work will broadly utilize the following modalities:

A. Desk review
B. Data Collection and Analysis
C. National consultative process and Capacity Building Activities
D. Drafting of documents

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 MLSW upon the contract start.

4. Deliverables, timelines, and payment schedule

<table>
<thead>
<tr>
<th>Deliverables</th>
<th>Timeline</th>
<th>Schedule of Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Finalized methodology and work plan</td>
<td>20 August 2022</td>
<td></td>
</tr>
</tbody>
</table>

2. Overall Framework and Vision of the reformed Social and Child Protection System

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

The document will compile main strategic reform direction proposals

20 August 2022 |
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. Relevant documentation will be provided by the UNICEF and MLSW, home-based.

<table>
<thead>
<tr>
<th>Upon submission of deliverable 1 and 2</th>
<th>30%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3. Strategy and Action Plan drafting supported</strong></td>
<td></td>
</tr>
<tr>
<td>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 MLSW and the working group, present to the Working Group and address comments by the Working Group</td>
<td>05 December 2022</td>
</tr>
<tr>
<td>Support drafting of the costed action plan for 2023</td>
<td></td>
</tr>
<tr>
<td><strong>4. Drafting the Law on Social and Child Protection – Develop key Legislative Inputs</strong></td>
<td></td>
</tr>
<tr>
<td>As the strategy text is being agreed with the Working Group, the consultancy will support drafting of legal text by developing key legislative inputs/parts of the new draft Law on Social and Child Protection. The document will entail legal solutions for specific strategic elements as agreed with the MLSW.</td>
<td>05 December 2022</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>5. Presentation of final drafts of Strategy and legislative inputs (Deliverables 3 and 4) to the Working Group and relevant stakeholders, to enable the final decision on the adoption of the documents</strong></td>
<td></td>
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<tr>
<td></td>
<td>20 February 2023</td>
</tr>
</tbody>
</table>
As the drafting of the strategic document and legal solutions 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 and its incorporation in legal text.

The presentation will be made in person.

To this end, the consultants will participate in public discussions for the development of the Strategy and the Law on Social and Child Protection.

| Upon submission of deliverable 5 | 10% |

The work will be implemented in coordination with the UNDP consultancy which might also provide background inputs on specific topics, co-draft and present parts of the strategic and legal text as agreed jointly and with the MLSW.

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.

5. Travel

Travel to Montenegro is expected to support the working group meetings and any costs related to travel should be separately included in the financial offer.

At least three travel missions to Montenegro are expected, to be confirmed based on needs.

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).

6. Management and Organisation

Management: The consultancy company will be supervised by the UNICEF Social Policy Officer, in coordination with the Child Protection Officer. The focal point in the Ministry of Labour and Social Welfare will be consulted on a regular basis for the feedback regarding the consultant's work performance. To this end, UNICEF and the Ministry of Labour and Social Welfare will form a task force/supervising committee to oversee the consultancy work and coordinate on supporting the Working Group.
All deliverables need to be validated by UNICEF and the MLSW.

**Organization**: International Consultancy, institutional, meeting the below requirements.

**Schedule**: The assignment will commence on 20 August 2022 to 15 March 2023

### 7. Qualification Requirements

The Consultant(s) is/are expected to have the following qualifications/specialized knowledge/ experience required to complete the task:

**Requirements for International Team Leader (economist, social policy/social protection expert)**

- 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
- At least 7 years of experience in research, analysis and development of policy and strategic documents in the area of social and child protection, including financial planning and M & E
- At least 3 years of experience in strategic and budgeted action planning and cost estimation in social and/or child protection
- Good knowledge of social protection floor framework
- Good knowledge of fiscal and macro-economics, and social policy in high and upper middle-income countries context
- Knowledge of, or familiarity with Montenegro and/or the Western Balkans is an asset
- 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.
- 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 UNICEF and/or UN system will be considered as an advantage.

**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 VAC, disability, De-I, 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 childcare system is a distinct advantage.
- Excellent command of English language, local language is an advantage (both spoken and written)
- Previous work experience with UNICEF and/or UN system will be considered as an advantage

Requirements from Legal expert:

- A university degree in Law
- At least 5 years of experience in aligning strategic and legal documents with international and regional human rights instruments
- At least 3 years of experience and expertise in the area of social and/or child protection
- Familiarity with the local context in Montenegro in particular with respect to the social protection and childcare and national legislation
- Strong facilitation, communication, negotiation and coordination skills, participatory planning processes
- Knowledge of English language, excellent command of local language
- 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 *(total of 70 points)*

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TECHNICAL EVALUATION CRITERIA</th>
<th>MAX OBTAINABLE POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Overall Response</td>
<td>10 points total</td>
</tr>
<tr>
<td>1.1</td>
<td>Overall Response - the understanding of the assignment by the proposer and the alignment of the proposal submitted with the ToR</td>
<td>1.1 – 5 points</td>
</tr>
<tr>
<td>1.2</td>
<td>Completeness of response</td>
<td>1.2 – 5 points</td>
</tr>
<tr>
<td>1.3</td>
<td>Overall concord between TOR requirements and proposal</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Company and Key Personnel</td>
<td>40 points total</td>
</tr>
<tr>
<td>2.1</td>
<td>Demonstrated capacity for research, analysis and development of policy and strategic documents in the area of social and child protection</td>
<td>2.1 – 14 points</td>
</tr>
<tr>
<td>2.2</td>
<td>Samples of previous work</td>
<td>2.2 – 5 points</td>
</tr>
<tr>
<td>2.3</td>
<td>Key personnel: relevant experience and qualifications of the proposed team for the assignment</td>
<td>2.3 – 14 points</td>
</tr>
<tr>
<td>2.4</td>
<td>Company policy on Child labor, Safeguarding and Prevention of Sexual Exploitation and Abuse (articulate policies for the protection &amp; safeguarding of children and prevention of PSEA)</td>
<td>2.4 – 2 points</td>
</tr>
<tr>
<td>2.5</td>
<td>Gender component: At least 1 female in the management structure or ownership of the company</td>
<td>2.5 – 2 points</td>
</tr>
<tr>
<td>2.6</td>
<td>Workplace policies on disabilities</td>
<td>2.6 – 3 points</td>
</tr>
<tr>
<td>3</td>
<td>Proposed Methodology and Approach</td>
<td>20 points total</td>
</tr>
<tr>
<td>3.1</td>
<td>Work plan</td>
<td>3.1 – 10 points</td>
</tr>
<tr>
<td>3.2</td>
<td>Methodology used - compatibility with UNICEF</td>
<td>3.2 – 6 points</td>
</tr>
<tr>
<td>3.3</td>
<td>Project management, monitoring and quality assurance process</td>
<td>3.3 – 4 points</td>
</tr>
</tbody>
</table>

**TOTAL TECHNICAL SCORE**

70

Minimum technical score: 70% of 70 points = 49 points
2) Financial component (total of 30 points)\(^4\)

- 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.

\(^4\) Financial offer will be reviewed only if Technical proposal meets minimum required quality standards.