



Terms of Reference

Institutional Consultancy services to provide expert support in assessing/and drafting the legislative and normative framework for the purposes of establishment of community-based social services system in Turkmenistan.

1. Context and Purpose of consultancy

The Government of Turkmenistan has prioritized improvement of social services in its mid-term national development programme and human rights actions plans and seek support of the UN Country Team in implementing the national priorities aligned with the SDGs.

Therefore United Nations Population Fund (UNFPA) in partnership with UN Development Programme (UNDP), UN Children’s Fund (UNICEF), and UN Office on Drugs and Crime (UNODC) and Ministry of Labour and Social Protection of Turkmenistan as the main partner from Government side, has started the implementation of Joint Programme (JP) “Improving system of social protection through the introduction of inclusive quality community-based social services”. Its overarching goal is to make transformative change in the current system of social service delivery in Turkmenistan.

The JP was drafted based on the planned work within the UN Partnership Framework for Development (UNPFD), in close consultations with the Ministry of Labour and Social Protection as the lead National partner as well as with the Parliament and the ministries of Finance and Economy, Education, Health and Medical Industry, and Interior.

The right to social protection of citizens, including the provision of social service as an important component of social protection, is safeguarded in the Constitution of Turkmenistan. Improvement of the quality of social services is included as one of the main objectives of the National Program of the President of Turkmenistan on socio-economic development for the period 2019-2025. The development of quality social services and introduction of international standards in the social protection sector are considered key priorities in the social sector in accordance with the Programme. Specifically the Action Plan of the Presidential Programme envisages policy-level changes for improvement of the legislative base related to social protection and policy changes for improvement of social service methods for the vulnerable groups and citizens in need. Expanding the range of social services, introduction of the concept of social work and the development of community based services are declared as important prerequisites for the improvement of the system of social protection.

The JP will design a new model of inclusive community-based services for vulnerable groups including women and girls facing gender based violence, people with disabilities, children at risk of separation from parents or without parental care including those with disabilities, youth at risk, and older persons in need of support with basic everyday care.

The JP will pilot a community based social worker model engaged in identification, assessment and case management as well as piloting specialised social services to meet specific needs and support people to live independent lives in their communities.

Box 1: Model of community-based social services proposed for development in Turkmenistan

The proposed model of community based social services in Turkmenistan will combine the existing and new components. Particularly, the current national framework and enabling environment for social work and social services development will be strengthened, including the higher social work education programmes; legislation; monitoring; allocation of national budget funding for the implementation of the model beyond the lifetime of the JP.

Also, existing residential social care services for children and adults (children's and infant homes, elderly and disability care homes for adults) will strengthen social work and adaptation to rights-based approach to social care and start delivering new social services based on community principles, and region territorial centres will start fulfilling the new functions related to social service administration.

The current social work practice will be enhanced of Guardianship and trusteeship authorities with responsibilities for children without parental care and for legal guardianship of adults with disabilities who require such guardianship.

The new elements of the social service model will include:

Two or three qualified social workers to be introduced at the Etrap level, employed by the region Territorial Centres during the JP and in the longer term integrated into the Etrap social protection structure – they will perform intake, assessment, gatekeeping, case management and other community social work functions.

Development and prototyping of special social services to meet specific needs identified in the assessment conducted by the Etrap social workers and delivered by both CSOs and local authority or government service providers. Types of services are likely to include: personal assistance services for people with disabilities to support independent living; home-based socio-medical services for people with chronic illness requiring home-based rehabilitation and care; family support services for families in difficult situations including families with children with disabilities; kinship care and other family-based alternative care services for children without parental care; services to prevent and respond to gender-based violence; services to support young people to reintegrate into the community; services for families where parents suffer from addictions.

The JP aims to achieve one outcome: the social protection system is ready to provide inclusive quality community-based social services.

In order to make the necessary changes and reforms to the system so that inclusive, quality, community-based social services can be delivered to the most vulnerable and left behind, three outputs must be achieved:

1. A practical model of such services must be developed and tested including all elements needed to prepare for scale up and full national implementation – gatekeeping and referral mechanisms, standards, standard operating procedures (SOPs), service specifications, trained staff etc. The practical model must address multiple vulnerabilities and must be fully adapted for the local community context in Turkmenistan and institutionalised at all levels – district, regional and national. It will also test different modalities of service delivery – through social contracting of CSOs and through state service providers or local authority structures.
2. **The legislative and regulatory framework that can ensure the institutional and financial sustainability of the new model has to be developed, amended and improved to reflect the practical realities and lessons learned from testing the model under output 1 and presented for approval by the Parliament and the Cabinet of Ministers.**
3. The social work and social service workforce that can deliver the model of services both during and after the JP has to be created and trained and a mechanism has to be established for ensuring that more social workers and social service workforce personnel can be trained and educated as the system goes to scale.

The three outputs are therefore intrinsically interlinked and mutually-reinforcing.

Within these outputs UNFPA is responsible for output 2 “Enforcing legislative and regulatory framework, supporting the establishment of institutional mechanisms to

facilitate the introduction of the new community based social services delivery system, drafting legislative amendments and other institutional frameworks (standards, service specifications)”, which should be approached in conjunction with the other two outputs.

The indicators and targets for this output include:

- legislation drafted and amended;
- adopted regulations and laws;
- improvement of the adopted legislation by evidence from pilots;
- establishment of institutional architecture, regulated in the legislation, defining the multi-level system of social services;
- allocation of public funds in the budget law for community-based social services and introduction of public funding mechanisms, including social contracting

The package of legislative and regulatory documents to be drafted may include amendments to the Code on Social Protection and other key pieces of legislation, and development of standards for social services, regulations for community-based social workers to assess needs and manage individual cases, linking service users to services that they need in the community or at regional level. A mechanism for social contracting will also need to be drafted and the institutional architecture will be developed (national, regional, local) defining a multi-level system of social services.

An adequate legal definition is required for a concept of social services that recognises the importance and priority of community based services, introduces the concept of social work as a profession and ensures the development of the system with a shift from cash benefits and socially-excluding residential care services to inclusive community based social services that empower vulnerable people to address the challenges they face and enable them to lead independent lives in their communities with their families attending school, participating in employment or other economic and social activities.

The JP is developing a concept of social work that should be the starting point for the development of social services and social work in Turkmenistan and includes the following principles:

- Strengths-based – building on the strengths of each individual member of the JP target groups, their family and community
- Person-centred and rights-based – focused on engaging with individuals to help them to identify and address the barriers in their lives preventing the realisation of their rights under the CRC, CRPD, CEDAW and other international rights frameworks to which the government of Turkmenistan is signatory
- Adapted to the social and cultural norms of Turkmenistan respecting existing informal and formal community-based systems and structures, family traditions and political economy
- Aimed at maximising empowerment, inclusion and social participation of the target groups of the JP

Within UNFPA managed JP component following legislative and regulatory framework should be established and/or improved:

- Adequate definition of social work and social services
- Eligibility mechanism for accessing services
- Requirements for service providers
- Requirements for community-based services
- Quality standards for social services

- Regulations of the cycle of social services provision (information provision, individual needs assessment, referral, planning, implementation and monitoring)
- Commitment of the government to allocate budget for community-based services.

For the purpose of implementing the Joint Program, a Steering Committee of the JP and a Working group of the JP were established, within which the Mejlis of Turkmenistan is the coordinator of the second Output of JP.

Therefore, UNFPA, together with the Parliament of Turkmenistan, is working on the implementation of the Output 2 - the reform of the legal framework, and creation of institutional mechanisms to facilitate the introduction of a new system for providing social services at the local.

2. Objective and Scope of the consultation

The overall purpose of this consultancy is to support the Joint Programme “Improving system of social protection through the introduction of inclusive quality community-based social services” with the development of legislative and normative framework for the purposes of establishment of community-based social services system based on the best international practice and experience, in consideration of the local context and systems/mechanisms. Creation of a legislative base for successful piloting of all elements of the project, as well as creation of the ground for further advocating for the adoption of a new law "On social services" as of the core outcome of the JP.

Planning Stage:

UNFPA Turkmenistan CO will be facilitating:

- Building **consensus and secure commitment** among government and partners to undertake the activities and tasks under Output 2 of the JP. All agreements reached will be duly recorded (minutes) and submitted for consideration by the relevant Government body;
- Together with **Mejlis (Parliament of Turkmenistan) co-chair the Working Group** involving representatives of Ministry of Labour and Social Protection, Ministry of Adalat (Justice), Ministry of economy and Finance, Ministry of Health and Medical Industry of Turkmenistan, Ministry of Education and Institute of State, Law and Democracy of Turkmenistan to ensure the effective management of the tasks and goals under Output 2.
- **Establish effective cooperation** between the working group and consultants group through a well-planned schedule of meetings and developed scope of work and timeline for the Output 2.

The team of international experts (Institutional consultancy services) or an individual consultant (Individual consultancy services) with the support of the national experts will undertake:

- A situation analysis including a comprehensive review of the legislative and regulatory framework of Turkmenistan in social and related areas (affecting the interests of the target groups of the Joint Project), identify gaps that require revision/ or complete changes in order to facilitate the successful launch of all

elements of the JP, as well as bring national legislation in line with international standards and norms, and best international practice.

3. Workplan and deliverables

The anticipated duration of the consultancy is approximately 55 working days, covering the period of 7 September 2020 – 5 December 2020. The distribution of days by tasks and corresponding deliverables is suggested below. The consultant(s) is expected to work home-based during the consultancy period. The below timeline is a decent attempt of deadlines, considering the period that will be needed for sharing of document and receipt of feedback. Depending on the progress and details, more than 2 reviews of some documents may be required, as well as feedback from National partners may take longer given the circumstances caused by COVID, these factors may affect the timelines.

The evaluator will be responsible for implementation of the tasks identified in an agreed “Methodology” Section and will follow the timeline for deliverables as follows:

Description of the assignment:	Deliverable:	Timeline:
Prepare interim report based on the desk review of the available materials as well as regulatory legal acts;	Interim report which serve as a basis for identifying directions in the development of an assessment	7 – 11 September 2020 5 working days
<i>Based on the interim report outcome</i> Develop an assessment tool/s for the team of national consultants.	Assessment tool/s with proposed outline of the review that offers guidance and framework to undertake a desk review of the existing relevant legislation, laws, policies, concepts, available statistics, programming, reports and other documents related to the social service provisions and the needs of selected target groups of the JP.	14 - 15 September 2020 2 working days
<i>Review of the assessment tool by Working Group and CTAG to finalize and agree on assessment methodology.</i>		
Conduct an online introduction session for the team of national consultants on assessment tool.	An online session that clearly explains how the national legislation shall be reviewed and executed using the developed assessment tool.	17 September 2020 1 working day

<p>Based on review materials developed by National consultants submit a second Interim Report.</p> <p>In addition to the second interim report provide the list of additional legislation recommended to support the needs of identified target group in receiving social services.</p>	<p>Second Draft of the Interim Report, which includes the undertaken review of the legislations, identified gaps and recommendations required for the national legislative base to meet the requirements of the social work and social services model anticipated by JP, as well as support the institutionalization of the community based system of social services being developed within the JP.</p> <p>The list of additional legislation recommended for review or drafting to support the needs of identified target group in receiving social services, including recommendations for the development of missing laws and regulations to create a sustainable base in the provision of social services for all target groups.</p>	<p>8 – 16 October 2020 7 Working days</p>
<p>Based on the undertaken review and report submitted develop a comprehensive advocacy presentation for the Working Group/CTAG/Steering Committee.</p>	<p>The advocacy presentation which will include the recommendations, workplan (roadmap) and approach to Legislative Work under the Output 2 of the JP.</p>	<p>19-21 October 2020 3 working days</p>
<p>Conduct a presentation session for the Working Group.</p>	<p>The session to familiarize the Working Group with a prepared presentation and discuss further action plan.</p>	<p>23 October 2020 1 working day</p>
<p><i>After developing the workplan (roadmap) in collaboration with Project Manager, and selected national consultants finalize and agree on the workplan and its timeline.</i></p>		
<p>Considering the immediate actions set for the Output 2 by the CTAG, and Program document National consultants will draft necessary proposals establishing regulatory framework on the below mentioned points. International</p>		<p>Starting end of October 2020 till mid December 2020 25 working days</p>

consultant is required to **ensure quality assurance, provide technical review and suggest appropriate revisions:**

- Definition of “social service”, “social work”, “social worker”, “social work specialist.”
 - Ethical code for social workers.
 - Institutional architecture (national, regional, local) that defines a multi-level system of social services.
 - Mechanism for commissioning social services (social contracting).
- Regulatory framework which includes Standards and specifications for “social service”, “social work”, “social worker”, “social work specialist”, job descriptions, and operational guidelines for the social service system are drafted.
 - Regulatory framework that outlines a set of values, principles and standards to guide decision – making and everyday professional conduct of social workers.
 - Regulatory framework on establishing the mechanisms for state intersectoral coordination of the provision of social services at all levels is drafted.
 - Regulatory framework for establishing the State Social order (social contracting) to prepare the solid base for government to directly fund civil society organizations. This also includes an appropriate regulatory framework for licensing/accreditation, and monitoring and inspection drafted.
 - Regulatory framework in

<ul style="list-style-type: none"> Regulations for social service providers (State and non-state) and social services beneficiaries (including determining eligibility for social services). Mechanism for institutionalizing social work and social service standards and specifications. 	<p>defining who is should be considered eligible (eligibility criteria) to receive social services . It is important to consider the need to reduce the bureaucratic burden both for the beneficiaries and for service providers drafted.</p> <ul style="list-style-type: none"> Regulatory framework which includes development of standards for the provision of social services, as well as ensuring the wide availability of standardized services drafted. 	
<p>Proposed amendments and regulatory framework should be rights-based, tailor-made, beneficiary-centred and in the process of their implementation are respected the rights of service users. This will make social services more sustainable, effective and accessible for beneficiaries and will ensure participation and empowerment of beneficiaries (children, women, girls, youth, disabled and elderly). Proposals for amendments should be aligned with international standards and practice and provide examples where relevant. They should also aim to reduce the administrative burden wherever possible.</p>		
<p><i>Respond to the inputs feedback by PUNO and Working Group.</i></p>		
<p>Based on the work done develop a comprehensive advocacy presentation for the Working Group and present the pre-final report to the team of key national partners, UN Agencies and CTAG.</p>	<p>Conduct a presentation session consultation to discuss progress and challenges the team of Consultants faced. Seek comments and feedback, agree on the recommendations, and present key findings/recommendations to the Working Group.</p>	<p>Mid November 2020 3 working days</p>
<p><i>After submitting the pre-final report, it may be necessary to re-do or revise products developed earlier</i></p>		
<p>Participate on meetings with National Partners (Working group of the project) and provide online sessions with National Consultants if needed and upon request.</p>	<p>During the implementation period, UNFPA together with Mejlis (Parliament) will conduct regular meetings with the Working Group, which may require the participation of the International Consultant.</p>	<p>September – December 2020 5 working days</p>
<p>Prepare the Final report with recommendations on further development of the legislation</p>	<p>Final report</p>	<p>Mid of December 2020 3 working days</p>

Note: All submissions should be electronic (Word and Power Point). Deliverables cannot be reproduced, distributed or published without written permission from UNFPA.

4. Methodology

The prospective team of consultants will be composed of the lead consultant (international) supported by the national consultants throughout the whole process. They will outline methodologies to achieve the mentioned deliverables (legislation analysis, mapping the gaps in legislation, development of amendments to the relevant laws/ develop by-laws). The methodology should at a minimum contain:

- A desk review of available documentation on national legislation/ country situation in social sphere and related spheres (UN agency related documents/ Country reports on International Conventions).
- Examples of international best practice in legislative and regulatory framework to institutionalise and sustain the community-based social services model being developed and piloted by the JP.
- Full compliance with Turkmenistan and International norms/standards as well as International obligations of Turkmenistan within CRPD, CRC, CEDAW, CESC, UPR.

5. Financial Proposal for Institution

Please submit your technical outline/proposal at unfpaturkmenistan@gmail.com.

- Specialization in the area of Law, social policy;
- Institution should possess for at least 10 years of progressive experience in undertaking national legislative reviews and drafting laws, regulations and amendments in social work, social services and other related spheres.
- Demonstrated successful experience in developing of solid reports and policy level recommendations on social work/social service legislation and regulatory frameworks at national level ;
- Ability to lead, coach, guidance and facilitate the team of the consultants
- Capability to ensure a coherent, consolidated, technical approach to developing regulatory framework that is fully adapted to the Turkmenistan requirements and can ensure development of Legislative and normative framework to establish a community-based social services system in Turkmenistan.
- Excellent writing and presentation skills
- Experience of working in Eastern Europe and Central Asia region especially with Governments or UN systems will be an asset
- Institution should have experts with fluent Russian with excellent writing, analytical and a communication skill, English is an asset.

6. Financial Proposal for Institution

Agencies (Institutions) applying for the contract are expected to submit a lump sum financial proposal to complete the entire assignment based on the terms of reference.

Items	Number of persons	Unit cost in USD	Quantity	Total
Consultant (55 days in total)	x	x	x	xx
Grand Total in USD:				

Technical Proposal

Each proposal will be assessed first on its technical merits and subsequently on its price. In making the final decision, UNFPA considers both technical and financial aspects to ensure best value for money. The Evaluation Team first reviews the technical aspects of the offer, followed by review of the financial offers of the technically compliant vendors.

The proposal obtaining the highest overall score after adding the scores for the technical and financial proposals together, that offers the best value for money will be recommended for award of the contract.

Your technical proposal should address all aspects of the above terms of reference. It will be evaluated against the pre-established technical evaluation criteria. As a minimum, your technical proposal should include the following:

- The technical proposal should include;
- A cover letter, including;
- Proposed technical outline and additions to the methodology if any;
- Assessment of suitability vis-à-vis the requirements of this ToR;
- A summary of experience in similar assignments;
- Links to/attachments of examples of similar work;
- Financial proposal;
- CV (including references);

7. Payment schedule

The payment will be made in instalments, according to the following schedule.

Deliverables	
-	First installment upon development of the workplan (roadmap) based on the 2 nd Interim report and presentation session for working Group. This payment will cover fees of 19 days.
-	Second installment upon completion of the pre-final report. This installment will cover fees of 28 days.
-	Final third payment upon submission of the final report, with recommendations to all the parties of JP based on the Evaluation and work completed. This payment will cover fees for the remaining 8 days.

8. Monitoring and progress control, including reporting requirements, periodicity format and deadline:

Monitoring and progress control including reporting requirement will be coordinated by Project Manager;

9. Place where services are to be delivered:

No travel is expected under this assignment. All assignments should be performed online and reported to Project Manager.

10. Inputs / services to be provided by UNFPA:

UNFPA will provide support with providing all necessary documents, information, queries needed in order to deliver the assignment timely and in best quality possible.