



This project is funded by
The European Union

“CHILUNGAMO (Justice & Accountability) Programme Lilongwe, Malawi”
Service Contract No. FED/2017/386-396
EuropeAid/138263/IH/SER/MW

Terms of Reference – Non-Key Expert
Senior Functional Review Specialist



In partnership with the
Republic of Malawi

TERMS OF REFERENCE FOR NON-KEY EXPERT

SUMMARY

CATEGORY	SENIOR NON-KEY EXPERT
POSITION	FUNCTIONAL REVIEW SPECIALIST
PROJECT	TECHNICAL ASSISTANCE TO THE IMPLEMENTATION OF THE CHILUNGAMO PROGRAMME
COMPONENT	SEVEN
ACTIVITIES	SUPPORT TO OFFICE OF THE OMBUDSMAN FUNCTION
TASKS	REVIEW OF MANAGEMENT STUDY REPORT, PROPOSE ORGANOGRAM-, REVIEW DEPARTMENTS' FUNCTIONS, PREPARE JOB DESCRIPTIONS
LOCATION	LILONGWE
INPUT	UP TO 20 WORKING DAYS
TIMEFRAME	JUNE AND JULY 2018

BACKGROUND

This European Union funded Technical Assistance Project is to provide technical and administrative assistance to the Government of the Republic of Malawi in their implementation of the ‘*Chilungamo Programme*’. Chilungamo is a Chichewa word meaning justice, with its connotation of a sense of stewardship.

The position is for a **Functional Review Specialist** to support the Office of the Ombudsman, which is one of the seven Beneficiary Institutions¹ of the Chilungamo programme, to review its organisational structure (institutional and operational aspects), service functionality and departmental capacities for the purpose of proposing an organisational structure that will enable the Institution to effectively deliver its constitutional mandate. The ultimate output of the assignment will be a final functional review report with a comprehensive organisational structure that includes job descriptions of every posts in the structure.

¹ Judiciary, Legal Aid Bureau, Malawi Human Rights Commission, Ministry of Justice and Constitutional Affairs, Office of the Ombudsman, Police and the Prison Service.



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European Union – Malawi Cooperation

The legal basis for bilateral cooperation between the EU and Malawi is the Cotonou Agreement, the 2005 European Consensus on Development sets the general policy framework at EU level. The Agenda for Change (2011) identifies human rights, democracy and other elements of good governance as one of the priority areas for EU development assistance.

The jointly developed National Indicative Programme (NIP) 2014-20 for Malawi focuses on the areas of governance, sustainable agriculture and secondary education plus vocational training. The European Union has designated a global allocation of EUR 560 million to support the implementation of the NIP. EUR 120 million is to be directed towards improved governance, with specific references to institutions for accountability and oversight, the demand side of governance and a fair and effective legal and institutional environment. To achieve these goals, EUR 48 million has been allocated to the Chilungamo (Justice and Accountability) programme.

CHILUNGAMO

The **Chilungamo Programme** builds on decades of support by the EU to governance in Malawi. Adopted in 2016, Chilungamo builds on former efforts in the field of governance, in particular, the Democratic Governance Programme (DGP) funded under the 10th European Development Fund (EDF). While the DGP contributed to improved democratic governance by ensuring access to quality justice for all in Malawi via a more effective and responsive Judiciary, improved democratic accountability and oversight, and to ensure that all Malawians know and understand, and are able to claim, their rights and the services to which they are entitled, Chilungamo builds on this to address the following objectives directly related to Governance in the **NIP**:

- Improve the institutional capacities and coordination mechanisms of oversight institutions (NIP Specific Objective 3);
- Create a fair and effective legal environment that promotes and consolidates the rule of law, equal access to justice, and respect for human rights (NIP Specific Objective 4); and
- Enhanced civic education, awareness and capacity building to demand transparency and accountability (NIP SO 1, Result 1.2).

The programme addresses two core Malawi's governance challenges of (i) lack of transparency and accountability amongst duty bearers and (ii) limited access to justice for the vulnerable groups.

Weak accountability institutions and the limited capacity of citizens to demand and claim their rights impact on all aspects of governance including democratic governance, domestic accountability and access to justice and the rule of law. Chilungamo recognises that all of these aspects require a focus on both the supply and demand sides of governance and thus includes support to the Malawi Electoral Commission (MEC), National Registration Bureau (NRB), Ministry of Justice and Constitutional Affairs (MoJCA), Judiciary, Police and Prisons, as well as to the National Initiative for Civic Education (NICE), Malawi Human Rights Commission (MHRC), Office of the Ombudsman, Legal Aid Board (LAB), civil society organisations (CSOs) and the media to play their oversight roles, increase access to justice, and to hold duty bearers to account. Support to the Democratic Governance Sector (DGS) Secretariat is also included to assist the DGS to coordinate the sector.



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OVERALL OBJECTIVE

The overall objective of the Chilungamo project is to contribute to dignified life in the Republic of Malawi through accountable Government, informed democratic choice, and humane and effective delivery of justice

PURPOSE

The purpose of the Chilungamo project is:

- To strengthen democratic governance and enhance the ability of citizens, accountability institutions, and civil society to demand transparency and hold duty-bearers to account.
- To increase access to justice for all, especially women and the poor.

MAIN RESULTS

The main results to be achieved through the implementation of Project Activities are as follows:

- Result 1:** Strengthened democratic governance processes in Malawi through support to key actors including national institutions
- Result 2:** Enhanced capacity of citizens, civil society and national accountability institutions to demand transparency and accountability from duty bearers is enhanced.
- Result 3:** Improved coordination within the criminal justice system.
- Result 4:** Improved access to justice for vulnerable groups in both the formal and informal systems.

ASSIGNMENT TITLE: SENIOR

FUNCTIONAL REVIEW SPECIALIST

Number of required Experts:	One (1) Senior Non-Key Expert
Duration of the assignment:	Up to a maximum of 20 working days
Period of the assignment:	June and July, 2018
Place of assignment:	Lilongwe, Malawi.
Working language:	English



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DESCRIPTION OF THE ASSIGNMENT

The office of the ombudsman is constitutionally mandated to investigate and remedy injustices emanating maladministration as well as protecting human rights.

Effective discharge of this mandate, among others, requires a well-organized organisational structure and well defined corresponding job descriptions. However, due to emerging trends and repositioning agenda there are organisational and structural deficiencies in the office, hence, the need for a functional review. The Office of the Ombudsman is a Member of the International Ombudsman Institute as well as African Ombudsman and Mediators Association. This being the case, its organizational structure needs to be in line with other International and Regional Ombudsman institutions in order to collaborate and engage effectively at appropriate levels.

The Senior Functional Review Specialist will review a draft management study report prepared by the Department of Human Resource Management and Development and other previous studies and prepare an optimum and fit for purpose best practice proposed structural, organisational and functional structure.

SPECIFIC ACTIVITIES AND TASKS TO BE ADDRESSED BY THE EXPERT

In collaboration with the Ombudsman and the Management Team, the Senior Function Review Specialist will do the following tasks based on previous functional review processes and structure of other ombudsman and oversight institutions:

- Engage departments/divisions/sections for purpose of gathering opinions and comments on –previous functional processes and their reports;
- Review draft/final documents prepared by experts who conducted previous functional reviews or management studies for the office of the ombudsman;
- Benchmark the structure and posts with sister comparable Constitutional, Governance and Quasi-Judicial bodies at National and Africa Regional level;
- Analyse and compare the office workload with similar Accountability institutions in order to determine the grading’s and posts
- Consolidate and analyse comments and observations from the interactions with departments/divisions/sections as well as International literature review;
- Prepare and submit a comprehensive report on the functional review process with a proposed concrete organogram and well-defined job descriptions.



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NON-KEY EXPERT REPORTING REQUIREMENTS AND DELIVERABLES

- Prepare an inception report within 5 days after signing of contract. The report should include work plan and a comprehensive methodology approach to be adopted. The work plan should be prepared in coordination and jointly with the Ombudsman or team or individuals assigned by the Ombudsman.
- A draft report with the methodology, main findings and recommendations.
- At the end of the exercise, the expert will prepare a final comprehensive report on the findings, analysis, recommendations with proposed organogram and job descriptions for the OoO staff.

OUTPUTS TO BE ACHIEVED

By the end of the consultancy assignment, preferably no later than 31st July ,2018, the Expert will have delivered the following completed tasks:

- Inception report outlining approach, methodology, work plan and proposed outline of final report;
- Draft report which should include executive summary, findings, analysis, recommendations and proposed organogram and job descriptions, and;
- Presentation of the Draft report for validation, with a summary presented in power point to relevant stakeholders giving opportunity for inputs and feed-back.
- Final report based on the validation workshop’s feedback and in the agreed format.

EXPERT PROFILE (SENIOR)

- *Qualifications and Skills:*
- An advanced degree in Public administration, Organizational Development, Human Resource Management and Development, management, Political science, public policy, or Governance;
- Excellent verbal and written command of English is essential.
- Excellent analytical, interpersonal, diplomatic and communication skills
- Organisational, communication, mobilisation and change management skills
- Ability to develop solid partnerships with high level officials in order to achieve project results.

General Professional Experience:

- At least 12 years’ experience in working as an Institutional Development, Governance and management expert;
- At least five years working in the Governance and Public Sector at strategic and policy level, experience in working at strategic level with Offices of Ombudsman worldwide would be a distinct advantage;
- Ability to work under pressure with tight deadlines in a multicultural environment, including the ability to integrate feedback of team members and stakeholders.



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Specific Professional Experience:

- At least 7 years' experience in public sector management working on one or more of the following: capacity development, governance, public sector reforms, public sector functional, Institutional Development and management consultancy; and
- Demonstrated experience in conducting at least three public sector capacity assessment or functional reviews in the last five years.

▪ SUPERVISION

The expert shall report to Ombudsman; the Ombudsman will be responsible for the overall coordination of the work. It is the Ombudsman's and the management's responsibility to provide the NKE with the necessary background material.

▪ LOCATION AND DURATION OF ASSIGNMENTS

Location of the assignment is Lilongwe, Malawi. **Up to 20 working days** over duration of 1 month may be delivered.

▪ CONDUCT OF EXPERT AND DISCLAIMER

The Non-Key Expert will respect any applicable provision of the General Conditions for Service Contracts for EC External Actions.

▪ MONITORING AND EVALUATION

The following indicators will be used to monitor the progress made by the expert under the contract:

- Draft Inception report is expected after 5 days from the date contract will be signed.
- Timely submission of requested reports
- Responsiveness to input and comments made, either through providing additional justifications on the analysis and the logic, or through adoption of comments as presented
- The descriptiveness of the reports requested
- Number of people interviewed and/or number of documents reviewed
- Feedback on the presentations by the expert on the requested outputs, as expressed in the meetings.
- A comprehensive functional review report.