

TERMS OF REFERENCE FOR INDIVIDUAL CONSULTANTS



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Type of engagement:	<input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Individual Contractor Part-Time <input type="checkbox"/> Individual Contractor Full-Time
Title of engagement:	Consultant to review and develop drafting instructions for social protection in the British Virgin Islands
Location: If remote or home-based, indicate. If consultant is not resident in host country, indicate if presence in host country and/or travel is required.	Remote, with travel to target countries
Duration: Number of working days	6 months
Start Date:	04.03.2024
End Date:	15.09.2024
Requesting Section:	Social Policy and Social Protection
Supervisor:	Social Policy Specialist

BACKGROUND (*)

The social protection system in the Virgin Islands comprises a range of benefits delivered to various groups of the population, mainly through social insurance and social assistance programming. The Ministry of Health and Social Development drafted a Social Protection Policy in 2021 with technical assistance from UNICEF at the same time that benefits continued to be implemented. Despite the great importance of a sound social protection system for the territory, some challenges remained and were highlighted in a Commission of Inquiry Report published in April 2022. Among the main ones, the fragmentation of benefits and its delivery through multiple agencies, including House of Assembly Members' Assistance Grants and Government Ministries' Assistance Grants were mentioned. The COI recommended that the social assistance grants be transitioned from other Government ministries, and the House of Assembly, to the Social Development Department (SDD) with effect from 1st July 2022.

The Government of the Virgin Islands recognized the need to reform social assistance. In 2021, UNICEF contracted the Social Policy Research Institute (SPRI) to review the social protection assistance and produce a series of recommendations, including legislative instructions for reform. Once the report was produced and accepted by the National Cabinet, the Social Protection Policy and Action Plan were revised to include the reform recommendations and the transitions on social assistance grants mentioned above.

There is a Public Assistance Act (Act No. 14 of 2013) that describes who should have access to social assistance. However, it no longer reflects all the population that should have access to social assistance grants, since the understanding of eligibility has changed but the practice established by Law still eliminated a cross section of the population who may require support and would ordinarily not be able to access funds. On the other hand, with the finalization of the Policy and its subsequent submission to Ministerial Cabinet, it is imperative to look at the legislative instructions and draft a legal basis for the Policy to exist and be fully functional, with the extended understanding of coverage. The need to amend the Public Assistance Act comes hand in hand with the adoption and approval of the

Social Protection Policy and the introduction of a new Bill that can be more comprehensive and ensure a rights-based approach to social protection access.

PURPOSE/SCOPE OF ACTIVITY/ASSIGNMENT (*)

1. **Goal and Objective:** This consultancy has the objective of supporting the amendment of the 2013 Public Assistance Act and lead the introduction of a new Social Protection Bill. More especially, the consultant will work in two main phases:

1. **Amendment of the Public Assistance Act.**

- a) Lead the development of an amendment brief that incorporates the urgent changes required in the Act so the social assistance grants can continue working effectively.
 - b) Support the submission of the Brief to Cabinet.
 - c) Lead the revision of the drafting instructions once it comes back from Cabinet.
 - d) Support the submission of the drafting instructions to the Attorney Generals Chambers.
 - e) Act like a focal point on behalf of the Ministry of Health and Social Development to enable the finalization of the Bill by the Attorney Generals Chambers.

2. **Introduction of a new Social Protection Bill.**

- a) Develop an analysis report of the existing legislative framework for social protection in the BVI, including strengths and weaknesses and recommendations for strengthening a universal approach to social protection.
 - b) Lead the development of a Social Protection Brief, incorporating the changes made in the Amendment brief and ensuring harmonization with the Social Protection Policy. Key documents to be utilized for this brief include:
 - Basic instructions for Legislative Drafting to achieve the policy objectives set out in the proposals for reform of the social assistance benefit system and the administration of institutional grants, written by SPRI.
 - Legislative Drafting Instructions Guidelines and check list.
 - Guide to proposing legislation in the BVI.
 - c) Support the submission of the Brief to Cabinet.
 - d) Lead the revision of the drafting instructions once it comes back from Cabinet.
 - e) Support the Submission of package to external drafting consultant.
 - f) Drafting of Social Protection Bill and continued liaison with the Attorney General and MOHSD until finalization and passage of the Bill.

2. **Provide details/reference to AWP areas covered:**

- Outcome 3: More families, including those of the poorest and most deprived children and adolescents, benefit from more comprehensive social protection, including in humanitarian settings.
- Output 3.1: Social protection institutions are strengthened to design and deliver inclusive and effective programmes and systems.

- a. **Activities and Tasks:**

- **Phase 1: Amendment of Public Assistance Act**
- **Phase 2: New Social Protection Bill**

3. **Outputs/Deliverables:**

The main outputs of the consultancy include:

Phase 1 – Amendment of Public Assistance Act

1. Amendment Brief.
2. Technical assistance with amendment drafting instructions.

Phase 2 – New Social Protection Bill

3. Analysis Report.

4. Social Protection Brief.
5. Technical assistance with drafting instructions and drafting of the Social Protection Bill

Key Activities/Tasks (*)	Deliverables/Outputs (*)	Duration (Est. days/months)	Due Date
Brief to justify amendment to current Social Assistant Act	Amendment Brief	15 days	15.03.24
Provide guidance and direct support to the drafting instructions needed for the amendment to the AG Chamber	Technical Assistance report on drafting instructions of the amendment	30 days	01.04.24
Develop report with the necessary analysis to serve as basis for new Bill development	Analysis Report for the New Social Protection Bill	20 days	30.04.24
Develop first draft of the new Social Protection Bill Brief to be discussed in Cabinet, conduct consultations	Social Protection Brief – draft 1	30 days	30.05.24
Undertake a validation workshop, finalise and present the final version to Government and AG Chamber	Social Protection Brief – final version	20 days	30.06.24
Provide guidance and direct support to the drafting instructions needed for the new SP Bill to the AG Chamber	Report on technical assistance provided for drafting of SP Bill	15 days	10.09.24

TRAVEL REQUIREMENTS*

This assignment is home-based but will require travel to ECA, including to the Virgin Islands. We estimate that 2 trips of one week each will be necessary.

The consultant is responsible for arranging his/her own travel, including bearing the costs visas and travel insurance. Accommodation, meals and incidentals costs must not exceed the UN daily subsistence allowance rates. The costs

for approved travels will be reimbursed by the UNICEF ECA upon submission of receipts and based on applicable UN DSA rates. All approved travels to be conducted in accordance with UNICEF travel rules and regulations. UNICEF will pay for travel in economy class via the most direct and economical route; provided however that in exceptional circumstances, such as for medical reasons, travel in business class may be approved by UNICEF on a case-by-case basis. UNICEF will reimburse the Consultant for out-of-pocket expenses associated with such travel by paying an amount not exceeding the daily subsistence allowance that would be paid to staff members undertaking similar travel for official purposes.

MINIMUM EXPERIENCE / QUALIFICATIONS (*)	
<p>Education:</p> <p><input type="checkbox"/> Bachelors <input checked="" type="checkbox"/> Masters <input type="checkbox"/> PhD <input type="checkbox"/> Other</p> <p>Enter Disciplines:</p> <p>Education: Advanced university degree in Law, Economics, Public Policy, Social Policy, international development or other relevant discipline</p>	<p>Knowledge/Expertise/Skills required:</p> <p>Experience:</p> <ul style="list-style-type: none"> • Previous proven experience in supporting the process of social policy and legislation development; • Substantial knowledge and experience on social protection system design and diagnostics, ideally with the UN and development partners working closely with national government partners; • Familiarity with enabling environment of social policy development in British Virgin Islands and/or the OECS countries; • Excellent project coordination and monitoring skills; • Excellent written and oral communication skills in English; • Ability to work independently and respond to feedback in a timely and professional manner; • Excellent organizational skills, attention to detail, and ability to contribute to a teamwork process.
<p>Years of Experience: 5 years of relevant professional experience in bill drafting, legal consulting and legislation development.</p>	
<p>Language(s) needed if any: English written and oral fluency</p>	

ADMINISTRATIVE MATTERS (*)

The consultant will be expected to work with his/her own laptop. He/She will work in close collaboration with the UNICEF ECA team, the Ministry of Health and Social Development in the Virgin Islands, with whom regular update meetings will be organized and other development partners supporting the social protection reform.

CONDITIONS OF SERVICE (*)

Before commencing work, a individual consultant shall submit a statement of good health and take full responsibility for the accuracy of that statement, including confirmation that he or she has been informed of the inoculations required for the country or countries to which travel is authorized. Consultants shall assume all costs that may occur in relation to the statement of good health. Consultants are required to certify that they are covered by medical/health insurance.

RECOURSE (*)

UNICEF reserves the right to withhold payment in case the deliverables submitted are not up to the required standard or in case of delays in submitting the deliverables on the part of the consultant. Performance indicators against which the satisfactory conclusion of this contract will be assessed include: timeliness/quality of submission and responsiveness to UNICEF and counterpart feedback.

TITLE RIGHTS (*)

All materials created by the Consultant which bears a direct relation to, or is made in order to perform, this contract and any intellectual property rights thereof, including but not limited to patents, copyright and trademarks, shall be jointly owned by UNICEF and the Consultant. At the request of UNICEF, the Consultant shall assist in securing such property rights and transferring them to UNICEF in compliance with the requirements of the law governing such rights. Any third party usage shall require written permission from both parties.

TRAININGS (*)

Consultants, even those working from home, must complete the following online courses prior to signature of contract. All certificates should be presented as part of the contract:

- [Ethics and Integrity at UNICEF](#)
- [Prevention of Sexual Harassment & Abuse of Authority](#)
- [Sexual Exploitation Abuse \(PSEA\)](#)

Consultants must complete the following course before commencement of any travel on behalf of UNICEF.

- [BSAFE Security Training](#)

Any consultant who is issued a UNICEF email address (exceptionally) must complete the following courses no later than 30 days after signature of contract.

- [General Information Awareness Security Course](#)
- [Fraud Awareness](#)

HOW TO APPLY (*)

Prospective consultants should apply through UNICEF jobs website using the following link *Insert link (HR)* No later than *Insert date*. The application package should include the following:

- a) A cover letter;
- b) Detailed Curriculum Vitae
- c) A proposal stipulating all-inclusive fees, including lump sum travel and subsistence costs, as applicable.
- d) Insert any additional requirements

UNICEF is committed to diversity and inclusion within its workforce, and encourages all candidates, irrespective of gender, nationality, religious and ethnic backgrounds, including persons living with disabilities, to apply to become a part of the organization.

UNICEF has a zero-tolerance policy on conduct that is incompatible with the aims and objectives of the United Nations and UNICEF, including sexual exploitation and abuse, sexual harassment, abuse of authority and discrimination. UNICEF also adheres to strict child safeguarding principles. All selected candidates will be expected to adhere to these standards and principles and will therefore undergo rigorous reference and background checks. Background checks will include the verification of academic credential(s) and employment history. Selected candidates may be required to provide additional information to conduct a background check.

Individuals engaged under a consultancy or individual contract will not be considered “staff members” under the Staff Regulations and Rules of the United Nations and UNICEF’s policies and procedures, and will not be entitled to benefits provided therein (such as leave entitlements and medical insurance coverage). Their conditions of service will be governed by their contract and the General Conditions of Contracts for the Services of Individual Consultants. Consultants are responsible for determining their tax liabilities and for the payment of any taxes and/or duties, in accordance with local or other applicable laws.