

UNICEF Moldova

TERMS OF REFERENCE

National Individual Consultant: Legal Specialist to enable the piloting of Pre-school Education Services funding schemes in the Republic of Moldova

Duration and timeline: 30 working days (within an 8 months period from May 2021 to December 2021)

1. Background

For the last decade, UNICEF has supported the Government of Moldova and partners to develop inclusive education, protection and nutrition policies for young children. Professionals working in early childhood care and education were supported to further enhance their competencies in child-friendly approaches, and communities were empowered to claim children's rights to education, health and protection. Alternatives to traditional kindergartens such as community centers were modeled, costed and institutionalized. International expertise was brought in to share experiences on innovative perspectives on the social inclusion of marginalized children. UNICEF Moldova, in partnership with PricewaterhouseCoopers Audit SRL (PwC), has also conducted a costing of Early Childhood Development (ECD) services in Moldova. With a view to further improving service quality, UNICEF currently supports the development of standard packages of educational services for all levels, including pre-school.

As a result of these interventions and other national efforts, 87.7 percent of three to six-year-old children had the chance to learn, play and get ready for school in 2019¹ compared to only 44 percent in 2000, putting Moldova at the top among countries in the CEE-CIS² region in terms of enrollment in pre-school education. However, some challenges still remain. For example, the proportion of rural residents attending pre-school is lower than that of urban residents. Indeed, the urban-rural divide continues to widen, increasing from 27 percentage points in 2010 to 41 percentage points in 2019³. It is unclear whether this is due to the fact that children from adjacent villages often attend urban kindergartens (and are thus registered in urban statistics), or there being a greater supply of kindergartens in urban areas.⁴

School readiness continued to improve from 93 percent in 2012⁵ to 97 percent in 2019⁶ as a result of the steady increase in the number of children attending pre-schools and thanks to improvements in children's learning outcomes.⁷ However, data show that Roma children are relatively poorly prepared for primary education, mostly due to the fact that very few are enrolled in pre-school education (21 percent in 2011).⁸ Indeed, once Roma children attend pre-school, they meet the requirements for enrolment in primary school, highlighting the importance of access to ECD services in ensuring improved learning outcomes for all children later in life.⁹

Poverty has a significant negative impact on pre-school enrolment and vulnerable children (such as Roma children and children with disabilities) are particularly disadvantaged. The difference between the lowest and highest quintiles is about 30 percentage points (64 percent

¹ National Bureau of Statistics, *Education in the Republic of Moldova*, electronic publication, 2018/2019

² Central and Eastern Europe, and Commonwealth of Independent States

³ National Bureau of Statistics, *Education in the Republic of Moldova*, electronic publication, 2018/2019

⁴ Government of the Republic of Moldova (2013). Op. cit.

⁵ National Centre of Public Health of the Ministry of Health of the Republic of Moldova and United Nations Children's Fund (2014). Op. cit.

⁶ Brief analysis of primary and secondary general institutions in 2019-2020 school year, National Bureau of Statistics, December 2019

⁷ National Bureau of Statistics (2015). 2014/15 Education in the Republic of Moldova. Statistical publication.

⁸ United Nations Moldova (2013). Op. cit.

⁹ United Nations Children's Fund (2015e). Participatory assessment of barriers hampering the access of Roma children and their families to services.

versus 92 percent).¹⁰ The pre-school attendance rate of Roma children is much lower than that of non-Roma children – about one-fourth. Finally, only eleven percent of the 2,169 children aged 3-6 years registered as having a disability were enrolled in pre-schools in 2019¹¹.

Despite an increase from 1,381 pre-schools to 1,486 between 2010 and 2019, growth in the number of pre-schools has not kept up with demand, with persisting shortages and urban-rural imbalances.¹² On one hand, pre-school occupancy in rural areas is below capacity, at 75 percent on average, but there are, at the same time, approximately 150 villages without pre-school institutions. Given the **importance of proximity when it comes to education institutions for this very young age group**, this is of significant concern. On the other hand, pre-schools in urban areas – particularly Chisinau – are consistently operating over capacity, indicating that there is also a shortage of pre-school institutions in urban centers¹³. Due to increase in demand and lack of capacity, overcrowded groups in pre-school affect the quality of education. For children aged 3-6 years, three-quarters of pre-schools have groups exceeding the standards, primarily in urban areas. In some cases, more than 25 or even 45 children are placed in the same classroom¹⁴ whereas the standard established by the Ministry of Education is a maximum of 15 children for those aged 0-2 years, and 20 for children aged 3-6 years.

Meanwhile, privately run institutions are also relatively few¹⁵ due to the lack of a legislative framework that can regulate their establishment or operation. The many private institutions that currently do exist are registered as nonprofit entities and are not subject to the same quality checks and educational standard requirements as public pre-schools.

The short comings and imbalances described above suggest that, alongside efforts to improve the quality of ECE and the demand for such type of services, a review of the financing and funding mechanisms underpinning ECE in Moldova is needed. Indeed, in order to expand sustainable access to pre-school education, particularly for children from vulnerable groups, it is important to establish an equitable and transparent methodology for the allocation of funds toward pre-school services nationwide. It is also important to explore the role of private providers of ECE, and to determine how such services will be financed nationally (from the central level, from local public authority revenues, from fees, etc.).

Therefore, UNICEF together with external consultants supported the Government of the Republic of Moldova, specifically the Ministry of Education, Culture and Research (MECR) and Ministry of Finance (MoF) in **designing a funding scheme and funding allocation framework for pre-schools** (covering children 3-6/7 years of age). Seven funding schemes were developed with UNICEF support and presented to the MECR and MoF.

The funding schemes were developed based on data collection and analysis process. The process included visits in several kindergartens both in the Chisinau municipality and in two districts (Soldanesti and Taraclia) to gain a better understanding of the situation on the ground, as well as consultations with a range of key stakeholders at the central level (UNICEF, government representatives, non-governmental actors, international organizations, etc.).

The development of the models was done based on simulations using actual financial information for all kindergartens in the country for the fiscal year 2017. All funding schemes were presented in workshops attended by a wide range of stakeholders and both MoF and MECR took note of these models.

¹⁰ UN Women and United Nations Children's Fund (2013). Op. cit.

¹¹ UNICEF estimates based on administrative data on children with disabilities provided by the Ministry of Health, Labour and Social Protection in 2019.

¹² Early Education Institutions in 2019, National Bureau of Statistics

¹³ United Nations Children's Fund (2016d). Op. cit.

¹⁴ United Nations Children's Fund (2016c). Op. cit.

¹⁵ Private institutions represent only 1% of total number of preschools, Early Education Institutions in 2019, National Bureau of Statistics

In Moldova, most ECE services cover children aged 2-7 years. The financing for such services comes directly from the State budget: from central authorities to “level one” local public authorities (LPAs), of which there are 896 in the country, headed by a mayor. However, contrary to primary and secondary schools, most of which are autonomous and receive their funds directly from central authorities, the budget for kindergartens is managed by mayors’ offices. Annual allocations are based on declared needs, and central authorities transfer funds with the expectation that expenditures be done as per the approved budget. However, in practice, local public authorities have full autonomy over their own budget. They may use the funds as initially mapped out or decide to divert funds from pre-school education to other purposes. Local authorities are also the entities that decide when and where to establish new early childhood education and development institutions/programmes for children under the age of three, based on their financial resources. However, opening new ECD institutions in rural areas, where populations are often small, has proved to be very difficult. Central authorities prioritize the financing of existing pre-school institutions, and local budgets are often too limited to cover the larger capital investments necessary to establish new institutions¹⁶.

At the same time, **financial allocations from central authorities to local authorities, including those intended to cover ECE, vary significantly**¹⁷. While there are some justifications for this heterogeneity – for example the annual cost of providing ECD for children in urban areas is 55 to 60 percent higher than in rural areas¹⁸ – the rationale behind the differing allocations is not sufficiently clear and transparent to local public authorities or the population as a whole.

2. Purpose of work

Adapt the existing legislation in order to start piloting the approved funding schemes. The Legal Specialist is expected to review the existing legal framework and propose the necessary legal adjustments that will allow for the piloting of the approved funding schemes.

The consultancy is expected to be carried out within an eight-months period, starting from May 2021 till December 2021.

3. Objectives

The national consultant is expected to:

- Analyze the current legislative-normative framework regarding the financing of early education institutions
- Elaborate proposals regarding the modification of the legislative-normative framework from the perspective of piloting the formula for financing the preschool early education
- Elaborate the draft Governmental decision on piloting the formula in 2 districts starting with 2022.

4. Details of how the work should be delivered

The Legal Specialist will build on the existing legislative-normative framework from the perspective of piloting / implementing the formula for financing the early education and models approved and recommended for piloting. The proposed legislative modifications need to be produced in close cooperation with UNICEF, Ministry of Finance, Ministry of Education, Culture and Research, Public Finance Management Specialist and Education Economist (hired under separate contracts).

More specifically, the national consultant shall:

¹⁶ Government of the Republic of Moldova (2014). Op. cit.

¹⁷ United Nations Children’s Fund (2016c). Op. cit.

¹⁸ United Nations Children’s Fund (2016d). Op. cit.

- Familiarize himself/herself with the current legislative-normative framework regarding the financing of early education institutions.
- Familiarize him/herself with the formulas approved and recommended for piloting.
- Propose concrete legislative modifications to the current legislative-normative framework regarding the financing of early education institutions which enable the piloting of the selected formulas in two districts and one municipality.
- Elaborate the draft Governmental decision on piloting the formula in 2 districts starting with 2022.

5. Activities, deliverables, and timeline:

Activities	Deliverables*	Timeframe**
<ul style="list-style-type: none"> - Familiarize himself/herself with the current legislative-normative framework regarding the financing of early education institutions. - Familiarize him/herself with the financing schemes/ formulas recommended for piloting. 	Inception Report , including: <ul style="list-style-type: none"> - Plan of activities 	By end May 2021 10 working days
<ul style="list-style-type: none"> - Propose concrete legislative modifications to the current legislative-normative framework regarding the financing of early education institutions which enable the piloting of the approved schemes/ formulas in two districts and one municipality. 	Deliverable 2 Legislative modifications developed	By end June 2021 8 working days
<ul style="list-style-type: none"> - Elaboration of the draft Governmental decision on piloting the formula in 2 districts starting with 2022. 	Deliverable 3 Draft Governmental decision developed	By mid-June 2021 2 working days
<ul style="list-style-type: none"> - Provide inputs to the PFM Specialist and Education Economist for the development of the the Draft Report and Road Map for the selected formula's piloting. 	Deliverable 4 Inputs provided	By mid-June 2021 3 working days
<ul style="list-style-type: none"> - Participate in all consultation's meetings with UNICEF, line ministries and LPAs. 	Deliverable 5 Adjust the legislative modifications to the current legislative-normative framework regarding the financing of early education institutions based on received recommendations	June-November 2021 5 working days
<ul style="list-style-type: none"> - Provide inputs to the PFM Specialist and Education Economist for the finalization of the Report and Road Map for the selected formula's piloting and institutionalization. 	Deliverable 6 Inputs provided.	By mid-November 2021 2 working days
TOTAL		30 working days

*All deliverables should be presented in Romanian and English languages.

** Exact deadlines will be mutually agreed upon contract signature.

6. Working arrangements and reporting requirements

The Legal Specialist will be supervised by UNICEF Social Policy Specialist. The consultant will work in close collaboration with the staff of the Ministry of Education, Culture and Research, and the Ministry of Finance, and other relevant experts in the field, UNICEF ECD Officer, and the Head of the General Education Directorate of the MECR.

UNICEF Social Policy Specialist and Early Childhood Development (ECD) Officer will provide the necessary support to achieve the objectives of the consultancy and be aware of any issues related to consultant's performance and quality of work.

All activities and deliverables undertaken by the Legal Specialist shall be discussed and planned in consultation with UNICEF, MECR and MoF and will only be executed following approval from UNICEF and these line ministries. The Legal Specialist is expected to deliver each component of the work-plan electronically (in Word format) in English and Romanian languages. At each stage, deliverables shall be sent to UNICEF Social Policy Specialist and ECD Officer by email.

7. Performance indicators for evaluation of results:

The performance of work will be evaluated based on the following indicators:

- Completion of tasks specified in ToR;
- Compliance with the established deadlines for submission of deliverables;
- Demonstration of high standards of work and professionalism in working relations with UNICEF and with national counterparts.

8. Qualifications and experience

The key qualifications required for the national consultant are as follows:

- Advanced university degree in Law;
- 5-8 years of experience in the reviewing and further development of the legal system;
- Excellent knowledge of the legislation in the Republic of Moldova, particularly the public law;
- Good analytical and writing skills, and the ability to present the results in a simple language, making use of visual aids (maps, graphs and other visual tools);
- Excellent command of Romanian and English, both oral and written; knowledge of Russian is an asset;
- Strong communication (oral and written) skills;
- Previous work experience with Governmental Institutions or UN Agencies will be considered a strong asset.

9. Content of technical proposal to be submitted

- CV;
- A cover letter describing the candidate's skills and relevant experience with similar types of assignments (max. 700 words);
- Annex: Short Sample or links to related work previously conducted by the consultant.

10. Content of financial proposal to be submitted

The applicant should fill in the Financial Offer Template and specify the all-inclusive consultancy fee, in MDL, per day of work, requested for the tasks described in the Terms of Reference.

Other expenses directly related to the ToR deliverables which must be included in the financial offer as well:

- logistics linked to meetings organization, as required by the Deliverables Table;
- local transportation costs.

The final selection will be based on the principle of “best value for money” i.e. achieving desired outcome at lowest possible fee.

If not provided by the ToR, UNICEF will not reimburse costs not directly related to the assignment. This contract does not allow payment of off-hours, medical insurance, taxes, and sick leave.

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

11. Evaluation criteria for selection

The candidate is expected to reflect in the submission the qualifications, knowledge and experience related to the requirements listed above. Technical evaluation will be performed through a desk review of applications, evaluation of technical proposals, and if necessary, may be supplemented by an interview.

The selection process is aimed at selecting the applicant who obtains the highest cumulative score (technical evaluation + financial offer evaluation points) following “best value for money” principle.

12. Payment schedule

The payment will be done in three tranches, according to the following schedule. All deliverables must be delivered on time and to the satisfaction of UNICEF Moldova.

Deliverable (delivered according to the timeline agreed upon with UNICEF)	Proportion of payment
Inception report (deliverable 1)	30%
Legislative modifications and Governmental decision developed (deliverables 2 - 4)	40%
Inputs to the Finalization of the Report and Road Map provided (deliverable 5 – 6)	30%

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

13. Definition of supervisory arrangements

The specialist will be supervised by the UNICEF Social Policy Specialist of UNICEF Moldova. Payments will be rendered upon successful completion of each task, as per the schedule outlined above.

14. Work location and official travel involved

The work will require local travel in mutually agreed locations including in Chisinau. The consultant is expected to cover costs, arrange and schedule such visits, including transportation. The UNICEF office will facilitate introductions to key informants.

Travel costs not actually incurred due to travel mission cancellation, delays, contract termination or modification are subject to deduction from final contract amount.

15. Support provided by UNICEF

UNICEF will regularly communicate with the specialist, and provide feedback, guidance and necessary support to achieve objectives of the work, as well as remain aware of any upcoming issues related to the performance and quality of work. UNICEF will provide an initial package of relevant documents and an initial list of relevant experts and counterparts to work with.

16. Ethical considerations

The Contractor will ensure that the process is in line with the United Nations Evaluation Group (UNEG) Ethical Guidelines¹⁹. The Contractor should be sensitive to beliefs, manners and customs and act with integrity and honesty while interacting with stakeholders and beneficiaries. Furthermore, the Contractor should protect the anonymity and confidentiality of individual information. All participants should be informed about the context and purpose of the Assessment, as well as about the confidentiality of the information shared. The Contractor is allowed to use documents and information provided only for the tasks related to these terms of reference.

¹⁹ UNEG Guidelines <http://www.uneval.org/document/detail/102>