

TERM OF REFERENCE

LEGAL AND BUDGETARY POSSIBILITIES ASSESSMENT FOR INCREASING GOVERNMENTAL SUBSIDIES

I. Introduction

This assessment will contribute to SOS Children's Villages Vietnam (SOS Vietnam) by providing feasible information concerning the countries' status on social services and in particular those related to children that have lost parental care or at risk of losing it. Our maximum goal is to increase the share of Governmental subsidies in the total amount of SOS Vietnam's local income by creating a strategy using this assessment as one of the tools.

Governmental Subsidies are any contribution (money, in kind, tax reduction, etc.) given by a government to help an organization cover its costs, so that it can provide products or services. For the purpose of the project implementation Government subsidies include the following:

- **Government Contributions allocated to the organisation by domestic government bodies** (e.g. ministries, social welfare agencies etc.) – booked in Navision database
 - International Chart of Accounts:
 - **32000** Local Revenues from Public Sources
 - 32110 Domestic Government Allowances
 - 32130 Public Grants Domestic
 - 32995 Conditional Local Revenues Public
- **Any kind of non-monetary contribution granted by domestic government and other public institutions** (e.g., salaries for SOS staff paid directly by the government to them, free construction material and work, flights, free food or clothing) – booked in Navision
 - 32120 Donations in Kind/Public
- **Not included:**
 - fundraising local income
 - contributions from non-governmental organisations
 - contributions from foreign governments

However, it does not end there, this assessment will also serve as a document to **understand regional and global trends how services, including alternative care for children are finance by public resources**, being a tool for comparative reports and contrasts studies. In this sense, this document will be studied by people that understand perfectly the national context and are experts about it, but also for people that do not know much of the countries' situation.

About SOS Children's Villages

SOS Children's Villages International is the umbrella organisation for the global federation of 136 national SOS Children's Villages associations, working in more than 2,000 programme locations worldwide. We work together with a single mission: to ensure that every child grows with love, security and respect.

Uniquely, we provide long-term, family-like care for children who have lost parental care (SOS family care programme unit, SFC), and we work with vulnerable families and communities to help strengthen them and prevent child abandonment (family strengthening programme unit, FS). The SFC programme units are usually organised in the form of a cluster of SOS families, where a SOS caregiver cares for small groups of children.

Through our family strengthening activities, SOS Children's Villages helps families look after themselves by providing material support, childcare, education, counselling - whatever is needed so that families can become self-reliant and stay together. Only in this way can we ensure that children are not abandoned and that they can grow up with dignity and security in their own families. We work with communities and local partners to support vulnerable families across the world through our family strengthening work.

In Vietnam, SOS Children's Villages Vietnam was established in 1987 and has been operating in 17 provinces, including: Ben Tre, Binh Dinh, Ca Mau, Da Nang, Dien Bien, Gia Lai, Hanoi, Hai Phong, Khanh Hoa, Lam Dong, Nghe An, Phu Tho, Quang Binh, Thai Binh, Thanh Hoa, Hochiminh and Hue. More than 6,100 children deprived of parental care have been supported through SOS Vietnam's projects and programs including family-like care in 17 SOS Children's Villages, 14 youth houses; 12 Hermann Gmeiner schools; 16 kindergartens; 1 Hermann Gmeiner Vocational Training School in Viet Tri; 03 vocational training workshops; 1 medical center; kinship care and family strengthening programs in 6 provinces.

II. Guidelines:

1. Assessment approach, process and methods:

1.1 Approach:

The main approach of this assessment is to respond in the most complete and accurate way each of the TOR questions, in order to provide the organization with feasible information that helps the process of developing a national subsidies strategy and hence, the increase of the governmental contributions. It's vital not to just summarize data but interpret the meaning of this information according to the national context for the organizational goal.

Main research question: in the particular contexts, how an organization which is providing social services, including different type of alternative care for children in risk, can access better partnership with the authorities in delivering support to children and young people and how public funding can be ensured for such partnership.

1.2 Process:

A Report Template will be provided with critical questions at **Item III of the TOR (Annex attached)**

The assessment must be done through the analysis of legal and public policy documents, individual and group interviews and the compilation, transcription and interpretation of the analysed data according to the TOR questions.

1.2.1 Plan:

The external consultant should plan the design of the assessment in coordination with the SOS programme staff on local/national and regional/continental level. That includes:

- Propose composition of a survey team;
- Plan and design data collection process:
 - Identification of the major stakeholders - key local government representatives, and other service providers in selected provinces
 - Selection of representative to be interviewed on the basis of agreed criteria
 - Agreeing on the type of information to be collected
 - Preparation of checklists and other tools for data collection
 - Develop a methodological tools for data collection and consult with SOS programme staff on project/national/continental level

1.2.2 Data collection:

The assessment will include a series of interviews in the field work with different stakeholders - internal SOS staff and external stakeholders - government agencies at central and local levels, NGOs; and to collect information in accordance with the requirements stipulated in the assessment design.

The field work will be conducted in selected provinces representing 3 regions of North - Central - South where having operation of SOS Vietnam. Main tasks include:

- collecting of data
- check relevance of the data
- collecting information not available in official information – for example future plans of the State, tendencies etc.

List every source used in footnotes (for every biographical source you should mention the author, year, name of the publication, link and specific pages from the study you are taking the information) (for every physical source you should write the full name of the person and the person's role/job title).

1.3 Methodology

- The assessment should use quantitative and qualitative data collection methods such as semi-structured interviews (individual interviews, group discussions, consultations, etc.) as necessary.
- The methodology of evaluation will include the following:
 - Document review including analysis on key reference documents
 - Interviews (structured and/or semi-structured; in person and/or by telephone) with key informants listed in Terms of Reference
 - Revision of legal and public policy documentation
 - Other methods relevant to evaluation objectives and scope

The assessment should be:

- **Easy to read:** keep the information concise, to the point and use strategies to make the information short, such as tables, charts and bullet points. Make it practical.
- **Easy to search within its sources:** each source must be complete, including the link and pages where it was extracted from or the full name of the interviewee.
- **Trustworthy:** every question must be answered objectively and by using evidences: hard data, reports, interviews, press information, etc. **Every statement that is not proved with evidence is considered not valid and not trustworthy for this study.** The only space where the consultant's personal opinion is requested is during the conclusions and recommendations section
- **Complete:** each of the TOR questions must be answered. In the event that some of the questions do not apply in the national context or there is no available information, you must specify it. E.g: "there was no available information concerning the question". **Do not skip any of the questions or leave them blank.**

2. **Time Frame:** tentatively 12 weeks and will start in March 2020

3. Specific tasks and Deliverables

Ref	Key tasks	Deliverables	Timelines
1	Meeting with SOS Vietnam to review the work plan, technical, administration requirements, timetable and deliverables schedule	Meeting minutes	Week 1
2	Collect and review available documents, publications on children (national laws, policies, strategies, national reports, research/study reports, statistical data,...)	Summary of documents, reports, publications	Week 2
3	Prepare a final and agreed on analytical framework and outline for development of the assessment report based on this TOR	Outline, analytical framework	Week 3

Ref	Key tasks	Deliverables	Timelines
4	Conduct Interviews and consultations at national level	List for interviews and consultations, questionnaires, schedule, meeting minutes	Week 4
5	Conduct interviews and consultations at local level	List for interviews and consultations, questionnaires, schedule, meeting minutes	Week 5
6	Produce report - Draft 1 in Vietnamese	Draft report available for review by SOS Vietnam and related stakeholders	Week 6 - 8
7	Produce report - Draft 2 in both English and Vietnamese	Draft report available for review by SOS Vietnam, related stakeholders and SOS International	Week 9 - 10
8	Produce final report on legal and budgetary possibilities assessment for increasing governmental subsidies in both English and Vietnamese	Final report	Week 11
9	Prepare materials for dissemination workshop and facilitate the workshop	Dissemination workshop and presentation	Week 12

4. Cost projection: The cost should be competitive but not exceed 200,000,000VND in total (*In words: two hundred million Vietnam dong*).

5. Management and reporting

The assignment will be undertaken under the supervision of the Program Director of SOS Vietnam. The National Advocacy Coordinator of Program Department will be the primary contact for the consultants. Additional guidance and technical inputs will be provided by the National Director of SOS Vietnam. The consultant will provide an update on the weekly basis with regards to progress, challenges being encountered, support required or proposed solutions.

6. Profile of the external consultant

The consultant (e.g. research institutions, university, independent freelancers, etc.) must have:

- master's degree at least in the social sciences, Economics/Statistics or related fields relevant for the assignment
- at least 10 years of research and other relevant professional experience
- proven competency and experience in monitoring, evaluation and impact assessment
- a good understanding of development work, government structure, partnerships, social policies and related laws
- good facilitation and interpersonal skills
- proven experience or participatory evaluation and data collection methods
- strong skills in coordinating teamwork
- strong analytical and conceptual skills
- excellent writing and communication skills in English and local language.
- ability to transfer complex concepts / ideas into practical and simple language
- ideally experience in organising research processes with/for SOS Children's Villages

7. Application Process

Interested and eligible consultants should forward:

- a) A Cover letter “The cover should indicate relevant experience, availability”
- b) Resume of competent consultants
- c) Technical and financial proposals with clear indications of competitive estimated costs
- d) Samples of previous similar work will be an asset

Potential consultants are requested to submit above documents in soft copies to:

Mr. Vo Xuan Hoa

National Advocacy Coordinator

Program Department, National Office of SOS Vietnam

Alley 1, Pham Van Dong road, Mai Dich, Cau Giay district, Hanoi, Vietnam

Email: hoa.voxuan@sosvietnam.org

Only shortlisted consultants will be contacted for negotiations

III. ANNEX - REPORT TEMPLATE:

1. Title:

(Name of the country, title, date, name of the authors)

2. Summary of main trends and findings

(Executive summary Please provide two pages summary which is included the main highlights and outcomes from the analyses)

3. Introduction

- 3.1. Description of the distribution of roles and responsibilities in the analysis team.
- 3.2. Short description of the overall analysis process and methodologies applied. Give details about the steps undergone to gathering primary data and the use of the secondary data.
- 3.3. Describe information of the legal and policy framework which you are analyse¹
- 3.4. Describe the involvement of stakeholders.

4. Basic country information

5. Country legal framework:

(Relevant social, cultural, religion, economic, political and key figures related to human development) –max one paragraph

5.1. Analysis of relevant regional and national strategies and policy documents:

- 5.1.1. Is there a comprehensive national strategy related to social system, services delivery, child care reform (de-I), child care/protection, children and young people, family support, demographic development (*Explain the strategies' goals milestones, timing, actors, involved, target groups, and strategic programs involved*)
- 5.1.2. How priorities are settled concerning SOS target group? (*Link the above mentioned information in 5.1.1 towards SOS target group if possible or mention how our target group is positioned in the public agenda, if it's visible for decision markers or are any policies towards them*)
- 5.1.3. Are local authorities (any kind of decentralized authorities) and regions entitled to develop their own local and regional policies and strategies within the social welfare field? If "yes", please describe how much they are different from the national documents and how much they can set up different framework rules/agenda?
- 5.1.4. If there are such strategies how they are implemented in practice?
- 5.1.5. Are there any projects/initiatives supporting the strategy/strategies implementation? (funded by the government or by international donors).
- 5.1.6. Are local and central authorities recognizing the role of CSOs in the service and care provision for children at risk and the importance of establishment of public-private partnership in the field? (*Support this statement with evidences, such as examples of real partnerships being developed right now*)

5.2. What are the government's priorities in social welfare?

Please make a list of all the care definitions used in your country, these could include: foster care, institutions, family group homes, residential care, kinship care. These definitions will need to be added to each box all the way the assessment tool.

Care definition a		
Care definition b		
Care definition c		

¹ Please include in the bibliography name of each resource which was analyzed including web address if it available online

Care definition d		
Care definition e		
Care definition f		
Care definition g		
EXAMPLE definition h	Small family group homes	A service for children without parental care provided by the government in city houses with staff working 8 hours per day

Next please insert all the definitions throughout the boxes as below

- 5.2.1. Describe what kind of formal care² are provided for children without parental care?
(Describe all type of formal care provide by State or CSOs including institutional care, residential care, kinship care, foster care or any other forms for children that lost parental care. If so, we need to know in which proportion (how many centres, programs or children receive it), where and how is delivered. Specify each service with its characteristics and way of functioning)
- 5.2.2. What is the share of institutionalized care for children in the particular country as a % from all other type of formal care? (Must be said in figures and percentages)
- 5.2.3. Describe what services and the quality of services that are provided that contribute to preventing family breakdown (Day-care, Respite care, Financial support, family allowances, minimum income support, Psycho-social support, Counselling - *Specify each service with its characteristics and way of functioning*)
- 5.2.4. What services are needed in the field of child care and protection? [Referring to services currently not provided yet by the State or CSO] Define each of the services delivered in general (education, health, recreation) and be specific about those related to child protection and child care

5.3. Service providers³ in the country working with our target group

- 5.3.1. Analysis of state and non-state social service providers in the country
- 5.3.1.1. What are the legally recognized social service providers in the country? [Make a list of all the providers including: name, target group, service delivered and location]
- 5.3.1.2. Are the state and local authorities engaged in direct service provision? If “yes”, do they need to establish special entities for this, or they act directly as public subjects?
- 5.3.1.3. In what conditions CSOs can acquire the status “service provider”? [Be specific about the rules, regulations and procedures to become a service provider]
- 5.3.1.4. What services CSOs can provide – public funded, private (for fee), being a donor, implementing projects or other? [Be specific about the rules and regulations about public services and programmes]
- 5.3.1.5. Are there unified requirements for operation of state and non-state service providers? [List the requirements and procedure for operation]
- 5.3.1.6. Are there license or registration regimes? Do they apply only for government-funded services or for all services (including financed by donors)?

² Formal care: all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures.

³ Service providers as term should be understood as provider of formal care, community based services and others social services, education and health

- 5.3.1.7. Are there different or specific requirements applicable to service providers, working in the child care? [Name each specific requirement and explain why]
- 5.3.1.8. Provide list the main social service providers within the child care for the particular country? [Make a list with each of the providers, including: name, location, target group and service provided, What are the main sources of their funding?]
- 5.3.1.9. Are there any restrictions for CSOs to provide services, carry out particular activities or receiving funding from abroad? [Explain all the restrictions and how they apply in practice]
- 5.3.1.10. Is there an option in the legislation to established partnerships (any kind) between state and NGOs? If “yes”, please give more details? [If there is not, write it, don’t skip the question]
- 5.3.1.11. Are there large government foundations in the country (established and founded by the government)?

6. Analysis of state budget in the country in social sphere :

- 6.1. What is the amount or % of the state budget going to social sphere?
- 6.2. Is the budget for the social sphere separated from the budget for education and health?
- 6.3. How is organized the expenditure of the budget allocated for the social sphere and social interventions (financial standards for services and/or activities: individual budgets, vouchers or other forms and combinations)? [Mention the institutions involved, procedures, timing of the distribution, etc]
- 6.4. Describe governmental budget going to social sphere between different directions (for child support, family support, youth support, education, health, other) [Be specific to point each of the categories, the allocations and programs]
 - 6.4.1. Are there separate items (for child support, family support, youth support, education, health, other) in the government budget allocated for the social sphere?
- 6.5. Who is distributing the budget and organizing the process of funds expenditure? Is this happening at the national level or local level municipalities/regions can also do that
- 6.6. Which services are funded by public resources⁴? [Be specific in mentioning the type of service and the kind of subsidy applied]
- 6.7. What is the share of services funded by government subsidies and by different private entities and donors in the field of child care and protection? [This must be expressed in figures, percentages or charts]

7. Mechanisms and models for public financial mechanisms (government or local budget allocations mechanisms)

- 7.1. Please explain the mentioned models operate in your country. (Each mechanism must include: How it is regulated, for what types of services and providers is relevant [If any of the mechanisms do not exist in your country, mention the name of the mechanism and write that it does not exist or is not implemented]
 - 7.1.1. public procurement;
 - 7.1.2. special procedures – social contracting;
 - 7.1.3. directs subsidies;
 - 7.1.4. grants,

⁴ Public financial resources – include government and local authorities financial support or payment

7.1.5. personal budgets, vouchers;

7.1.6. social entrepreneurship;

7.1.7. others.

7.2. How are funded the integrated services, combining social care interventions and interventions related to education and health /example services combining social interventions and medical rehabilitation/

8. SOS registration and operation framework

8.1. Type of registration of SOS in the country (please list any restrictions, administrative burdens, etc. for registering or operating CSO in the country);

8.2. Alignment of SOS activities with the state priorities; *[Please be specific using information from question 1.2 linking them to our target group]*

8.3. *Legal gaps, issues with policies in theoretical way or practice, missing programs, missing capacities relevant for SOS for delivering services in child care system; [E.g missing policies or laws that we could lobby or advocate for, new programs we could offer, trainings, etc]*

9. Advocacy through partnership and networking

9.1. What kinds (not only concerning our target group but in social sphere or human/children rights) of advocacy activities are lead in the country? [Be specific in terms of trending topics e.g, women's rights, and also give real examples of the actions developed, e.g legal bill to sanction animal cruelty lobbied by XXX NGOs in XXX years, or campaign for the women's right for abortion through the media and public manifestations that involved...]

9.2. What kinds of partnerships for common activities are established in the country? (ex. state-NGOs, NGOs - NGOs) [Explain each and justify with examples/evidences]

9.3. Is there fare base for establishment of NGO or an NGO partnership?

9.3.1. What are the opportunities and barriers for new networking and partnerships?

9.4. What kinds of networks are established in the country?

9.4.1. List all the child rights/child care networks existing in the country and specify SOS participation in each.

10. Conclusions, Recommendations

10.1. List the main challenges and opportunities foreseen by this study to increase SOS access to subsidies. Be as specific as possible. Specify, how should SOS tackle each of the challenges? , and how should SOS take advantage of each the opportunities?

10.2. What are the possible roads/actions to increase the amount of subsidies received by SOS in the immediate future and on a three year plan? [List the steps or actions]

10.3. What are the possible risks we should foresee in our subsidies strategy? Specify possible containment measures for each risk.

10.4. Which strategic partnership must SOS develop to in order to increase its access to subsidies? [contacts with key decision-makers, influencers, public institutions, and also from OSC]

10.5. In your opinion, what should SOS take into account to develop its subsidies strategy? [Recommendations, tips and other useful information].

10.6. Please feel free to express your opinion in this section and tell us your view of the countries' subsidies situation and the perspectives we should take into account.