

TERMS OF REFERENCE

Title of Consultancy:	National Expert on Complaints Mechanisms and Public Engagement in Myanmar
Type of Contract:	IC - Individual Contract
Duration of the assignment:	40 working days
Location:	Myanmar
Supervisor:	Chief Technical Advisor for Public Administration

A. Background

The Government of Myanmar is putting strong emphasis on making government more *responsive* to people's needs and more *accountable* and *efficient* in the management of public resources and delivery of services in an inclusive and non-discriminatory manner. To achieve this aim, the Government aspires and has taken concrete steps to ensure that people can reach out to public institutions and lodge complaints- for example, about corruption cases, their experience in accessing services, how public officials treat them, etc... Effective complaints mechanisms are platforms that enhance accountability, foster greater public participation in governance, and increase trust in the state. Through them, Government could also ensure there are ways for people to express their thoughts on important issues.

In Myanmar today there are several formal and informal mechanisms for the public to record complaints and voice their concerns. The Union and several States and Regions Parliaments have established complaints committees and are getting in closer touch with their constituents. The President's Office has a dedicated complaints unit and more recently the State Counsellor's Office established a complaints mechanism that is dedicated to reporting corruption issues. Ministries and lower level service delivery structures also have different types of formal complaints mechanisms. For example, within the One-stop-Shop structure, feedback and complaints mechanisms have been established to receive citizens' feedback and handle their complaints. The Anti-Corruption Commission (ACC) has set-up a dedicated 'hotline' to record corruption complaints.

On the more informal front, media and social media platforms are used to share complaints and voice opinions of people on public affairs. With the expansion of telecommunications, Facebook is widely used across the country. Many state institutions (Parliament, Ministries and others) have established official pages on Facebook (and other social media platforms) and use them to disseminate information and receive complaints.

Whilst people appear to be actively using these formal and informal mechanisms to voice their concerns, there is limited information both about the many mechanisms in place, and how people could or should use them best. There is no widely-available guidance on where different types of complaints could be shared, how a complaint can be submitted and how it would be addressed. A lack of transparency and knowledge of complaints mechanisms and channels has the potential to harm the effectiveness of the system. It can lead to people overwhelming multiple institutions with complaints that are not within their remit, which are duplicates of

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complaints sent to others, or which could have been handled more effectively at a lower level. A lack of transparency and limited effectiveness could also negatively impact the public's trust that their complaint would be seen and addressed.

Given the wide range of mechanisms and practice across the country, more information about how people are using the mechanisms, whether they are indeed aware of them, and why they would choose to use some mechanisms over others could also help government decision makers to improve the systems. Likewise, a better sense of the capacity and prerogatives at various levels of governance and in various institutions to deal with the complaints they receive, and how they are managing and addressing them, could help policy makers take decisions about whether or how to improve.

UNDP proposes to conduct a mapping of what complaints mechanisms exist and are used in Myanmar, both formal and informal, and provide decision makers with recommendations on how to improve public engagement and feedback. Ultimately, this would contribute in improving public services delivery systems through increased transparency and participation.

B. Objectives

The objectives of this initiative would be:

- (1) To identify and map out all existing complaints mechanisms including their scope, type, how they are managed, the volume of complaints, and perceived awareness of the mechanisms and their impact.
- (2) To provide decision makers at union and subnational levels of government with recommendations on how to improve complaints mechanisms and identifying ways to improve service delivery and feedback systems that would be rooted in active public engagement.

Issues to Explore

The paper would provide information on, and recommendations linked to:

- The different complaints mechanisms in use; the volume of complaints; any overlap in institutional mandates (i.e. how many different mechanisms could be used for a similar complaint);
- How people submit complaints through different mechanisms; how public officials/civil servants/MPs deal with complaints; whether they feel able to resolve them.
- Capacity challenges faced by public servants and Members of Parliament in processing, monitoring and resolving complaints- including procedural issues, public information, resources.
- How public servants and Members of Parliament perceive their roles in handling complaints; how they perceive the public as users of complaints mechanisms.
- Using secondary data from the Public Perception Survey on Corruption and Inclusiveness (if available in a timely manner), it will also look at: People's perceptions of the different mechanisms and their reasons for using or not using them; factors contributing to a satisfactory/unsatisfactory experience; how they see different mechanisms inter-relating.

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Target Population

Public officials involved in managing the relevant mechanisms- civil servants at all relevant levels, including township administrators, Members of Parliament.

C. Scope of Work and Methodology

Scope

The paper will assess government-managed complaints mechanisms at Union, State and Region, District and Township levels- both formal mechanisms and social media mechanisms. At subnational level, the paper's focus will be limited to two townships each within one (1) State and one (1) Region, and the relevant district-level and state/region-level mechanisms.

Government and UNDP would agree criteria in order to select the targeted State, Region, Districts and Townships for information gathering. This would further inform the target population to perform the field research. The following are suggested institutions whose complaint mechanisms could be examined to inform, and suggested types of complaints. These would be finalized between government and UNDP.

Suggested Institutions	Suggested Type of Complaints
Union Parliament, 1 State and 1 Region Parliament	Complaints against public institutions or officials, including on the grounds of corruption, discrimination or abuse of authority
State Counsellor's Office	Complaints linked to, or public feedback on public services or public decisions, including from the judiciary. Complaints linked to corruption and abuse of authority in the public sector.
President's Office	Complaints filed against third parties and submitted to public authorities for resolution
Union Civil Service Board	Procedures for citizens and civil service personnel to comment on public services and/or public decisions, including for matters pertaining to integrity, meritocracy and inclusiveness.
Anti-Corruption Commission	
District authorities (District Administrators and/or District Departments) in the chosen State and chosen Region	
Township authorities in the chosen State and chosen Region, with emphasis on departments included in One-Stop-Shops and Township administrators	

Methodology

The methodology for gathering information would be established by a lead international expert. It is expected that s/he will first conduct a desk review, and then perform with the

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support of the national expert required consultations in Nay Pyi Taw and relevant townships (interviews with the public officials there working in the institutions).

There are two other surveys which UNDP is undertaking this year with partner institutions. First, a public perception survey carried out under the guidance of the Union Civil Service Board which may address public perceptions of civil service complaints mechanisms. Second, a survey of Members of Parliament, which may offer opportunities to learn more about how they handle complaints (type of complaints, authority to treat complaints, etc.). If data is available from these, it may be considered also to inform the recommendations.

How it will be implemented

For implementation, the international expert will be supported by a national expert, and by the UNDP team led by the Chief Technical Advisor.

The international expert would lead in finalizing the scope and methods of gathering the base information in discussion with government, gathering information, and synthesizing the information into a final policy paper with recommendations. The national expert would provide advice on context, interpret during meetings and support translation of written materials; s/he may also support day to day arrangement of meetings with stakeholders at subnational level. UNDP staff would be responsible for arranging meetings with stakeholders, especially in Nay Pyi Taw. The Chief Technical advisor would provide overall guidance on the production of the final policy paper and be the first point of contact for lead government stakeholders.

D. Expected Deliverables

	Deliverables	Deadline	Working days	Location
1	Support the international expert in performing a mapping of existing complaints mechanisms	31 August 2017	25 days	In-country
2	Contribute to the baseline report of existing complaints mechanisms, providing an evaluation of their effectiveness and shortcomings	30 September 2017	5 days	Home-based
3	Provide inputs to the policy paper to improve effective complaints mechanisms in Myanmar, with an emphasis on ensuring contextualization of policy recommendations	31 October 2017	5 days	Home-based
4	Stakeholders validation meetings and final review of the policy paper	30 November 2017	5 days	In-country

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E. Administrative and logistical requirements

- The national expert will arrange for her/his accommodation in Yangon and Nay Pyi Taw and for her/his own transport in Yangon.
- UNDP will not consider travel days as working days. The above stated working days are exclusive of travel time.
- UNDP will cover in-country flights and transportation, as agreed upon in the methodology. Accommodation fees during field visits are to be covered by the national expert and will be reimbursed by UNDP as per applicable rules and regulations.
- All necessary equipment (projector, flipchart, stationery, etc.) related to meetings and group discussions will be provided by UNDP at the request of the international expert in order to ensure efficient delivery of the assignment. The national expert is however expected to secure her/his own computer.

F. Institutional Arrangements

- The national expert will report to UNDP's Chief Technical Advisor for Public Administration and will work closely with the international expert and other UNDP team members
- The final approval of the baseline report and policy paper will be delivered by the Team Leader for Democratic Governance in consultation with 2 peer reviewers;
- Deliverables will be approved in a timeframe not exceeding 15 working days, and payments can be received within 10 days of deliverable approval.

G. Duration of the assignment

The duration of the assignment is estimated at Forty (40) working days within a period of five months, from June to November 2017.

H. Duty station

The duty station is Nay Pyi Taw, Myanmar. Field visits to States and Regions and missions to Yangon are anticipated.

I. Qualifications and competencies

Qualifications:

- Master degree in public administration, development studies or equivalent.
- Bachelor degree in public administration, development studies or equivalent with at least 3 years of relevant experience

Experience:

- Proven experience in performing assessment related to participatory governance, with focus on voice and complaints/grievance mechanisms in similar transition contexts;
- Past experience developing policy papers geared towards a multi-stakeholder audience, i.e. government and civil society;

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- Understanding of the Myanmar context and current governance models in Myanmar is a key advantage;
- Previous publications recorded on participatory governance and/or complaints mechanisms an asset.

Competencies:

- Fluency in English and in Myanmar;
- Sound communication skills both verbal and in writing;
- High cultural sensitivity needed.

J. Scope of Price Proposal and Schedule of Payments

- Lump sum amount with all costs inclusive, except for the support provided by UNDP as mentioned in under institutional arrangements.
- The contract price will be fixed regardless of changes in the cost components.
- Include information about actual cost of travel to Myanmar.

K. Recommended Presentation of Offer

- Letter of confirmation of interest and availability.
- Technical proposal clearly stating the profile and previous experience of the consultant, covering why the consultant is most suitable for the work; the approach to completing the assignment; the CV of the consultant.
- Financial proposal: lump sum in US dollars which is all inclusive, for example covering professional fees, living allowances and transport costs, along with other incidental costs. A financial proposal form is provided with the letter of confirmation and availability.

L. Criteria for Selection of Best Offer

UNDP will use a combined scoring method, in which the technical proposal will be weighted at **70%** and the financial proposal at **30%**. Scoring for the technical proposal will be:

- Education: 10%
- Relevance of Experience: 40%
- Approach to completing the assignment: 50%

M. Annexes to TOR

ANNEX 3- P-11 for ICs (Available at:

<http://www.mm.undp.org/content/myanmar/en/home/operations/procurement.html>

ANNEX 4- Template for Confirmation of interest and Submission of Financial Proposal

(Available at:

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