



**Project Name: SECOND KENYA DEVOLUTION SUPPORT PROGRAM (KDSP II)**

**Credit No: IDA-7447-KE**

**Project ID No: P180935**

**Contract Reference No.: KE-DD-438457-CJ-INDV**

**TERMS OF REFERENCE (TOR) FOR A GENDER AND GENDER BASED VIOLENCE SPECIALIST ON PART TIME BASIS.**

**A. BACKGROUND**

The Government of Kenya has received an International Development Association (IDA) Credit in the amount of EUR140.7 million (US\$150 million equivalent) from the World Bank for implementing the Second Kenya Devolution Support Program (KDSP II) (Credit Number IDA-7447-KE) over a four-year period, starting December 7<sup>th</sup>, 2023. KDSP II is supporting a sub-set of reforms envisaged under the Government's Devolution Sector Plan.

The Program, whose development objective (DO) is to "strengthen county performance in the financing, management, coordination, and accountability for resources", supports a series of key interventions (at the input and output levels) that contribute to intermediate outcomes and, in turn, contribute to outcomes. To achieve the DO, the Program is expected to significantly improve outcomes in the participating counties under three key result areas (KRAs) outlined below:

**KRA 1: Sustainable Financing and Expenditure Management.** This KRA supports efforts towards enhancing financing to, and expenditure management by counties. In this KRA, the national-level activities, supported through investment project financing (IPF) entail the development of frameworks and guidelines for county revenue mobilization, policy to support financing for service delivery units, and structures and tools to support counties' institutionalization of shared project management functions. The expected outcomes will include an improved revenue mobilization agenda (for example, increased revenue collection, enhanced accuracy of fiscal forecasting, and expansion of revenue base), timely communication on releases of conditional grants, automation of the county exchequer requests, and implementation of pending bills action plans. The relevant disbursement linked indicators (DLIs) under this KRA are on (i) the average number of days it takes for the National Treasury, Office of the Controller of Budget, and the Central Bank of Kenya to process a county exchequer requisition once submitted; (ii) participating counties that have increased their own source revenue by at least 5 percent annually, over and above the rate

of inflation; and (iii) participating counties that have prepared and are implementing action plans to reduce their stock of pending bills and maintain it at minimal levels.

**KRA 2: Intergovernmental Coordination, Institutional Performance, and Human Resource Management.** This KRA supports national and county government initiatives towards strengthening intergovernmental coordination, institutional performance, and Human Resource Management (HRM). The national-level activities, financed through the IPF, will support the development of policy and administrative procedures for the operationalization of intergovernmental, intercity, and inter-municipality forums. The IPF will also support the development of guidelines, including county HR and skills audits, model organization structures for customization by counties, and performance management. DLIs under this KRA will target counties implementing recommendations of HR, skills, and payroll audits, aligning county staffing with departmental functions in select sectors, and improving the credibility of the payroll. The relevant DLIs under this KRA are on (i) participating counties that have integrated their HR records, authorized staff establishment and payroll, and uploaded cleaned payrolls in the human resource management information system; and (ii) participating counties that are enhancing accountability for results through an integrated performance management framework.

**KRA3: Oversight, Participation, and Accountability.** KRA 3 will support improvements in oversight, participation, and accountability. The IPF component will support the development of guidelines on project stocktaking, community-led project management committees, and climate change risk screening and preparedness (including assessment of the climate resilience of existing infrastructure assets). It will also support the rollout of the county (public Investment Management (PIM) framework. The expected outcomes include the establishment of project management committees, county compliance with the PIM framework, and developing and operationalizing a county investment dashboard with a citizen feedback interface (which is used to improve public investments). Additionally, it is expected that county assemblies will establish a fiscal bureau to strengthen the role of the legislatures in budget scrutiny and oversight. The relevant DLI under this KRA is on Participating counties that have established public investment management dashboards with citizen feedback mechanisms.

## **B. STATEMENT OF THE PROBLEM**

The Environmental Social Systems Assessment (ESSA) conducted by the World Bank highlighted that counties continue to face challenges in mainstreaming gender-responsive governance, leadership, and service delivery. While the devolution process created opportunities for gender-sensitive governance, challenges persist. Limited gender-responsive planning, insufficient participation of women in decision-making, technical capacity and inadequate institutional frameworks for addressing Gender-Based Violence (GBV), Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH) prevention and response into their governance and service delivery structures remain.

Addressing these challenges requires targeted technical support, capacity building, and integration of SEA/SH risk mitigation measures across county programs. The GBV consultant

will provide technical expertise and build the capacity of NPCU, counties and other relevant stakeholders. Therefore, strengthening institutional frameworks that counties can mainstream gender-sensitive approaches into governance, leadership, and service delivery effectively.

### **C. THE OVERALL OBJECTIVE**

The Program GBV specialist will be responsible for supporting the development and implementation of the GBV/SEA/SH prevention and response action plan for the program to ensure safe working conditions, address GBV risks, and provide capacity building and sensitization for program stakeholders. The Consultant will support both the IPF and PforR components, he or she through the NPCU will in collaboration with Ministry of Public Service, Gender and Affirmative Action, National Gender and Equality Commission, State Department for Social Protection to ensure adherence to National Laws on Gender and GBV such as National Policy for Prevention and Response to Gender Based Violence 2014, National Policy on Gender and Development, 2019, Sexual Offences Act, 2006, Occupational Safety and Health Act, 2007, National Gender and Equality Commission Act 2012, The Childrens Act 2022 and Persons with Disabilities Act, 2003.

### **D. THE SCOPE OF WORK**

The consultant will undertake the following tasks:

- Provide strategic guidance on the development and implementation of the SEA/SH prevention and response action plan.
- Design and conduct SEA/SH prevention and response training on a scheduled basis for Program stakeholders including the NPCU staff, NTIPTs, and social officers at the CPIU.
- Ensure all GBV/SEA/SH risks associated with the Program are identified, a risk mitigation measures checklist developed including the monitoring plan.
- Support the program team in SEA/SH mainstreaming into all project processes, life cycles, and documents, including contracts.
- Support the GRM program team to ensure there are dedicated GBV/SEA/SH GRM channels for registering, recording, and handling incidents in a safe and confidential manner, and facilitate necessary support through referrals while ensuring careful handling of sensitive incidents.
- Ensure all aspects of the Program are gender-responsive and accessible to all vulnerable and marginalized groups, and promote survivor centricity, safety, confidentiality, and nondiscrimination of participants.
- Analyze key gaps between achievements and targets and make appropriate recommendations to adjust Program activities to prevent and manage GBV risks and the appropriate measures to ensure their proper execution.
- Contribute to the evaluation of the providers' bidding documents to ensure that the effectiveness of the contractor's GBV/SEA/SH plans is evaluated and contribute to the final evaluation.

- Receive and review regular monitoring reports from contractors on SEA/SH prevention and response plan implementation and conduct due diligence assessments or audits, as necessary.
- Provide reports to the Program Coordinator on implementing the SEA/SH prevention and response plan and the functioning of the dedicated grievance mechanism for GBV including for workers and produce a summary of its functioning for World Bank reports, as necessary.
- Assess availability of sex- or-disaggregated data and data gaps relevant to the project
- Keep abreast of good practices and lessons learned on the management of the GBV/SEA/SH risks.
- Undertake any other assignment as requested by the NPCU
- Support in mainstreaming gender at National and County levels.
- Lead on GBV incident management including reporting to the World Bank

## **E. DELIVERABLES**

The consultant is expected to deliver the following outputs:

1. GBV/SEA/SH
  - Inception Report detailing priority activities and overall implementation of the scope;
  - Work-plan detailing the assignment and timelines
  - Adapt existing action plan for prevention, mitigation and response on SEA/SH
  - Map GBV referral pathways For access to GBV/SEA/SH survivors access as and when necessary
  - Dedicated GBV/SEA/SH GRM channels
  - Capacity building program (Training plan, manuals, presentations, and guidance notes for program stakeholders (e.g., NPCU staff, NTIPTs, social safeguard, Gender and GRM officers at CPIU).
  - Develop a GBV/SEA/SH monitoring plan including regular progress reports on SEA/SH activities and assessment and reassessment of risks as appropriate
2. Gender
  - Adapt existing Gender mainstreaming strategy for National and County levels.
  - Capacity building program on Gender Mainstreaming (Training plan, manuals, presentations, and guidance notes for program stakeholders (e.g., NPCU staff, NTIPTs, social safeguard, Gender and GRM officers at CPIU).

## **F. Duration, Timeline and Location of the assignment**

The level of effort (LOE) for the consultancy is on part time basis, the consultant will be allocated 60 days spread within 1 year. The task will be carried out starting from the date of signing the contract.

## **G. Reporting requirements and timelines for deliverables**

The key milestones and timelines are as follows:

<b>S/N</b>	<b>Task</b>	<b>Deliverable</b>	<b>Timelines after contract commencement</b>
1.	Preparation of the inception Report.	An inception report	Month 1
2.	Develop Work-plan.	Work-plan	Month 1
3.	Adapt existing SEA/ SH prevention, mitigation and response plan on SEA/SH	Prevention, mitigation and response plan aligned to the program.	Month 2
4.	Map GBV referral pathways for access to GBV/SEA/SH survivors access as and when necessary	Database of service providers	Month 3
5.	Ensure development of dedicated GBV/SEA/SH GRM channels	GBV/SEA/SH GRM channels	Month 3
6.	Capacity building program on Gender and GBV (Training plan, manuals, presentations, and guidance notes for program stakeholders (e.g., NPCU staff, NTIPTs, social safeguard, Gender and GRM officers at CPIU).	GBV/SEA/SH Training materials	Month 4
		GBV/SEA/SH prevention and response training at National and County level	Month 5-6
7.	Develop GBV/SEA/SH monitoring plan.	GBV/SEA/SH monitoring plan	Month 3
		Progress reports	Throughout the contract period
8.	Reports assessing SEA/SH in Counties.	Reports	Month 4,6&9
9.	Adapt existing Gender mainstreaming strategy for National and County levels to align with the program.	Strategy	Month 8

The consultant will submit electronic versions of the draft and a revised version of each deliverable to the KDSP II Program Coordinator at Teleposta Towers, 6<sup>th</sup> Floor.

### **Qualifications of Consultant**

The consultant should have the following qualifications:

<b>Educational Requirements</b>	<b>Experience required</b>
<p>A minimum of a Masters degree in gender, sociology, anthropology, community development or any other relevant social science</p>	<ul style="list-style-type: none"> <li>• At least eight years of experience managing Gender and GBV-SEA/SH risks in projects</li> <li>• At least five years' experience in conducting awareness campaigns on women's rights, gender equality, GBV, and/or reproductive health which is considered an asset.</li> <li>• Excellent knowledge of the guiding and ethical principles that govern work with survivors of GBV and good practices in implementing activities to prevent and address GBV.</li> <li>• Community development experience in different regions of Kenya, including at least some experience of each of promoting gender and VMGs inclusion, conflict mitigation, labor management, participatory approaches, and feedback mechanisms</li> <li>• Excellent understanding and commitment to social inclusion, conflict mitigation, labor management, gender and GBV, stakeholder engagement, and participatory development</li> <li>• Familiarity with the World Bank's ESF and skills in social risk management. Understanding of the national legislative and institutional frameworks on GBV; National Policy for Prevention and Response to Gender Based Violence 2014, National Policy on Gender and Development, 2019, Sexual Offences Act, 2006, National Gender and Equality Commission Act 2012, The Childrens Act 2022 and Persons with Disabilities Act, 2003.</li> <li>• Experience in training and capacity building in Gender and GBV/SEA/SH.</li> <li>• Excellent English and Kiswahili written and verbal skills.</li> </ul>

### **H. Payment schedule**

The estimated expert time input for this assignment is 60 days. The payment will be done based on satisfactory performance which will be negotiated with the successful consultant. The payment schedule will be spread in alignment with the key milestones and timelines.

## **I. Management, accountability of the assignment and quality assurance**

The State Department for Devolution (SDD) is the client for the consulting services. In terms of performance and deliverables, the consultant will carry out the assignment under the direction of, and report to the Program Coordinator in the National Program Coordination Unit (NPCU). The consultant shall work closely with NPCU to ensure timely and quality delivery of the outputs. Collaboration with other relevant Ministries and agencies including, State Department for Gender and affirmative Action, and National Gender and Equality Commission, Council of Governors, State Department for Social Protection, Commission for Administrative Justice, National Council for Persons with Disabilities and county governments through the SDD will be essential for successful completion of the assignment.

## **J. ANNEXES TO THIS TERMS OF REFERENCE:**

- Program Operations Manual
- Program Appraisal Document

## **K. Obligations of the Consultant**

The consultant is expected to undertake activities that will ensure that outputs are consistent with the professional and legal requirements. The consultant shall be responsible for the provision of resources to carry out the services such as information technology, and means for communications, reporting materials, insurance and any other required resources.

## **L. Obligations of the Client**

The Client will avail all relevant documents to the consultants and will facilitate coordination with the counties. In addition to the POM and the PAD, already provided with this ToR, the client will provide any other relevant material during the procurement and implementation process. The client will also provide technical support and quality control during implementation. The client shall also be responsible for other resources such as travel, program transportation for visits in counties/regions, subsistence allowances, accommodation, during field visits. Additionally, the client will provide office space whenever needed for the consultant to undertake the exercise.

## **M. Code of Ethics**

It is critical to emphasize that there is need to be objective and maintain integrity throughout the process. A code of conduct/ ethics for the consultant will be signed by all members before undertaking the assignment. The content of code of ethics will mainly focus on adhering to the procedures, integrity and anti-corruption issues. Harsh disciplinary action/ punitive measures will be imposed against non-compliant assessment and quality control for members as well as the involved Counties.

## **N. Propriety rights of Client in reports and records.**

The consultant shall adhere to the World Bank Data Privacy and Protection regulations and all the relevant confidentiality and data ownership laws and regulations of Kenya through the consultancy period and will protect the confidentiality of participating counties and participating agencies at all stages. All data is confidential and is the property of the SDD. No data or other information from this consulting services contract will be released to third parties without the written prior approval of the Ministry. The consultant will provide all reports and deliverables in English. All documents are proprietary to and shall be collected and stored at the SDD for future reference. The consultant may not distribute any data collected under this consultancy to any entity without express written prior approval from the Client.