

TERMS OF REFERENCE – National Consultant

Job Title	:	Legal and Advocacy Specialist
Duty Station	:	KIAT Guru Program Office, Jakarta; with frequent field travel
Type of Contract	:	Individual Consultant
Expected Duration of Assignment	:	5 months until December 2018

General Background and Organizational Context

The Government of Indonesia (Gol) is committed to accelerating the pace of poverty reduction and the President of Indonesia has declared that poverty reduction is among the highest development priorities of his administration. This commitment is reflected in Indonesia's national medium-term development plan (*Rencana Pembangunan Jangka Menengah Nasional, RPJMN, 2015-2019*), as poverty rate is set to decrease from 11.25% in 2014 to 7-8% by 2019.

Indonesia's achievement to reduce poverty has been significant, as poverty rate since 1998 to date steadily decreases. However, more than 28.3 million Indonesians continue to live below the poverty line, while 30% of the population within 12.5% of the poverty line remain vulnerable to falling back into poverty.

In a bid to intensify the poverty reduction effort, Gol has elevated the overall oversight and coordination of poverty and social protection programs to be under the Vice-President's Office. Through Presidential Regulation No. 15/2010, the National Team for the Acceleration of Poverty Reduction (*Tim Nasional Percepatan Penanggulangan Kemiskinan, TNP2K*) was founded and given the mandate to carry out those oversight and coordination roles. TNP2K plays a key role in defining policies for poverty reduction and social protection by:

- Improving program targeting using a common method and household list for all social protection programs;
- Improving the performance of poverty reduction programs through reforms in program design;
- Undertaking monitoring and impact evaluation of the social assistance programs; and
- Support line ministries in maintaining quality implementation.

TNP2K - KIAT Guru Program

To improve frontline service delivery in education sector, starting in 2014, the National Team for Acceleration of Poverty Reduction (TNP2K), under the Secretariat of the Vice President of the Republic of Indonesia has been implementing a pilot program to improve teacher performance and accountability of teachers (KIAT Guru: Kinerja dan Akuntabilitas Guru). The primary objective of KIAT Guru is to empower communities to make investments that contribute to improvements in the quality of primary education service delivery, measured in terms of reduced levels of teacher absenteeism, improved quality of service, and improved levels of student learning outcomes.

KIAT Guru utilizes two main mechanisms: (1) Community Empowerment – e.g. empowering the communities to participate in improving availability and quality of education services; and (2) Pay for Performance – e.g. tying payment of teacher allowances with teacher presence and quality of service. The secondary objective of KIAT Guru is to influence policies related to: (a) adaptations of Civil Servant Law for the education sector to tie teacher allowance payment with concrete performance measures, including availability and quality of service; and (b) operational mechanisms to implement the Village Law at the village, district, and national levels to:

- Ensure community monitoring and input into evaluation of teacher service performance;

- Strengthen community linkage to village, sub-district, and district government structures and mechanisms; and
- Strengthen village governance to improve education service delivery, including technical assistance to effectively utilize the village fund.

KIAT Guru has been implemented since June 2016 until June 2018. Based on the request from the district governments and Ministry of Education and Culture (MoEC), TNP2K has been requested to continue providing technical support from July until December 2018. The technical support for this extension will focus on supporting MoEC and district governments in developing national and regional policy recommendations. This is also to ensure the different policy models and payment mechanisms of teacher allowances implemented by district governments in targeted areas can be sustained, and challenges for implementation can be identified and addressed through the policy recommendation/implementation scale up.

Based on findings and lessons learned from KIAT Guru in remote area (hereafter, KIAT Guru Remote), MoEC and TNP2K have requested the World Bank to provide technical assistance to improve teacher performance and accountability in urban areas (KIAT Guru Urban). The implementation will be done by BaKTI Foundation.

BaKTI Foundation

The KIAT Guru Program is supported by the Government of Australia - Department of Foreign Affairs and Trade (DFAT) and the United States Agency for International Development (USAID). Both institutions provide their financing for the program through the Local Solutions to Poverty (LSP) Multi-Donor Trust Fund and Local Service Delivery (LSD) Single Donor Trust Fund respectively, both managed by the World Bank. The Social Development Unit at the World Bank is responsible for the program governance in support to TNP2K, and therefore has appointed *Bursa Pengetahuan Kawasan Timur Indonesia (BaKTI)* Foundation as the Grant Recipient to provide management, operational, and fiduciary oversights for technical assistance and activities implementation at national and sub-national levels.

Scope of Works

Purpose of Job

The role of the Legal and Advocacy Specialist is to formulate the legal and governance for scaling up KIAT Guru Rural and to develop, ensure the establishment and implementation of legal and governance mechanism for KIAT Guru Urban which pilots teacher's professional allowance (TPG) with performance based on lesson learnt from the implementation of KIAT Guru Remote. She/he will ensure effective advocacy and partnerships between national government; Ministry of Education and Culture (MoEC), BAPPENAS, Ministry of Finance (MoF), State Employment Agency (SEA) and with local governments that implement KIAT Guru Rural and Urban pilot project.

Responsibilities

The Legal & Advocacy Specialist will be responsible to deliver following services:

1. Revise the legal and governance of KIAT Guru Rural as the regulatory basis/umbrella for scaling up based on analysis of and lesson learnt from the implementation of legal and governance in KIAT Guru Rural.
2. Map of relevant regulations to identify supporting and conflicting policy and legal interpretations compared to the plans to make TPG performance-based, identifying links with RPJMN.
3. Provide national and district legal drafting to make TPG performance-based in consultation with the Ministry of Education and Culture (MoEC), Ministry of Finance (MoF), Ministry of Home

Affairs (MoHA), Ministry of Home Affairs (MoHA), Ministry of Civil Apparatus and Bureaucracy Reform (KemenPANRB), State Employment Agency (BKN) and district government that implement KIAT Guru Urban.

4. Ensure effective advocacy and partnership with Ministry of Education and Culture (MoEC), BAPPENAS, and Ministry of Finance (MoF), and as required, with Ministry of Home Affairs (MoHA), Coordinating Minister of Human Development and Culture, Ministry of Apparatus and Bureaucratic Reform (MoABR), State Employment Agency (SEA);
5. Engage with local governments who are interested in piloting experiment in tying teacher professional allowance with performance to improve teacher performance in student learning activities to identify: (a) key counterparts in various local government institutions, and (b) management and mechanisms that would support the implementation of the KIAT Guru Urban Pilot Project.
6. Manage and facilitate meetings/workshops of MoEC and district governments in drafting regulatory umbrellas of KIAT Guru Urban Pilot Project and in establishing: (i) National Coordination Team; (ii) Memoranda of Understanding between TNP2K, MoEC and Participating Districts; (iv) Technical Guideline of KIAT Guru Pilot Implementation, and other regulations as needed;
7. In close collaboration with the Public Finance Management Specialist and Capacity Development Specialist/Analyst develop and maintain governance KIAT Guru Urban pilot project in districts.
8. Support collaboration between stakeholders in district level in implementing KIAT Guru pilot project by inter alia transferring knowledge and skills of governance and advocacy to the KIAT Guru field team and local government.
9. Provide timely reports on progress and communicate challenges to Program Coordinator – Technical.

Coordination

Report to Lead Program Manager, the Legal and Advocacy Specialist will regularly update and discuss technical issues with Program Coordinator – Technical and work closely with other practice area / technical personnel. S/he will also in coordination with the S/he will be in coordination with the Senior Social Development Specialist and Design Team at the World Bank for specific policy and regulatory issues in the context of drawing lesson learnt from KIAT Guru Rural and Tunjangan Profesi pilot at urban areas.

Key deliverables

The Legal Advocacy Specialist will be responsible for providing the following deliverables:

1. Revision of legal and governance of KIAT Guru Rural for scale up and dissemination.
2. Desk review of:
 - policies and laws pertaining to teachers in particular, and civil servants in general, including presidential/ constitutional court/ ministerial/ director general decrees that were issued as part of the laws.
 - Regulations issued to make Teacher Special Allowance (Tunjangan Khusus Guru, or TKG) performance-based;
 - Regulations issued to make the DKI Jakarta Provincial Performance Allowance (Tunjangan Kinerja Daerah or TKD) performance-based; and
 - Other regulations issued by other ministries and provincial or district governments to make a portion of the civil servant/ frontline service providers income performance-based.
3. Identification of supporting and conflicting regulations from the perspectives of key relevant officials at MoEC, Ministry of Finance (MoF), Ministry of Home Affairs (MoHA), Ministry of Civil

Apparatus and Bureaucracy Reform (KemenPANRB), and State Employment Agency (BKN), particularly:

- Directorate General for Teachers and Education Personnel of MoEC;
 - Directorate General for Basic Education of MoEC;
 - Legal and Organizational Bureau under the Secretary General of MoEC;
 - Directorate General for Fiscal Balance of MoF, particularly those in charge of transfers of special allocation funds (DAK *Fisik* and *Non Fisik*), and undisbursed fund (SILPA);
 - Directorate General for District Autonomy (*Otonomi Daerah*);
 - Directorate General for Civil Apparatus of KemenPANRB; and
 - Promotion and Payment Bureau of BKN.
4. Engagement with local government *inter alia*:
 - Key counterpart in various local government regulations and structure that support the implementation of KIAT Guru pilot project are identified.
 - Management, mechanism and organization of local governance in district government that implement KIAT Guru pilot project are identified.
 5. Development of regulations and governance to implement KIAT Guru pilot project that can be shown *inter alia*, National and District regulation as the basis of KIAT Guru Pilot Project Implementation is established.
 6. Training, coaching and mentoring to KIAT Guru field team and local government of local governance for policy reform are delivered.
 7. Analysis on findings and recommendations of KIAT Guru pilot project especially in local governance experimentation to reform government policy in tying teacher special and professional allowance with performance:
 - Written report on findings and recommendations are provided
 - Presentation to local government regarding findings and recommendation is delivered.
 8. Summary reports and presentation materials on regulations, policies, practices and planning, along with analysis and recommendations.

Competencies and Requirements

Education:

1. Master's or Bachelor Degree in Public Policy or related fields.

Work Experience:

1. At least 7 (seven) years of experience working with government agencies on policy issues in Indonesia, preferably in the field of education reform.
2. Demonstrated knowledge of government policy, preferably in the field of education sector and civil servant reform.
3. Strong knowledge and skills in advocating service provision accountability/transparency and multi stakeholder engagement.
4. Proven knowledge and skills in managing and establishing multi stakeholder coordination in national and district level.
5. Fluency in written and oral Bahasa Indonesia and in English.

Functional:

1. Demonstrate strong analytical, planning, monitoring, and troubleshooting skills, and capacity to put concepts into workable actions and/or activities; ability to perform process monitoring, and identify issues and risks;
2. Sound knowledge and experience in public policy research.

Managerial:

1. Demonstrate ability to determine priorities and manage multiple tasks efficiently and effectively, able to cope with changing priorities and work program, and able to manage multiple tasks under pressure
2. Demonstrate ability to work in sensitive situations and challenging policy environments, and in

providing prompt and quality response to stakeholders' requests.

3. Demonstrate able to work independently with minimum supervision, while consultative with others.

Behavioral:

1. Demonstrate strong willingness to nurture and maintain positive working relationships with others, both externally and internally, to achieve common goals of the organization and relevant stakeholders.
2. Demonstrate strong interpersonal skills and potentials as a strong team player, able to communicate effectively, and able to work in a team-oriented approach in a diverse group of people.
3. Demonstrate motivation and potentials as a quick learner and self-starter.

STRUKTUR ORGANISASI KIAM GURU REMOTE

