



In partnership with the  
Republic of Malawi

“CHILUNGAMO II (Justice & Accountability) Programme  
Lilongwe, Malawi”

Terms of Reference – Senior Non-Key Expert



This project is funded by  
The European Union

## TERMS OF REFERENCE FOR THE RECRUITMENT OF A SENIOR NON-KEY EXPERT

### SUMMARY

<b>CATEGORY</b>	SENIOR NON-KEY EXPERT
<b>POSITION</b>	SENIOR CONSULTANT FOR DISCIPLINARY PROCEDURES TRAINING
<b>OBJECTIVE/PURPOSE OF THE CONSULTANCY</b>	Provide capacity building training to Office of the Ombudsman’s Investigation Officers in handling cases of disciplinary nature.
<b>EXPECTED OUTPUTS/ DELIVERABLES</b>	<ul style="list-style-type: none"><li>• Prepare an inception report with detailed methodology of the assignment.</li><li>• Develop teaching materials to be used for the training. This exercise must be done in conjunction and consultation with designated officers.</li><li>• Prepare a workplan for the assignment until the end of the assignment <b>showing clear milestones and deliverables</b>; the work plan will have to be submitted and discussed before the start of the consultancy. The work plan should be prepared in coordination and jointly with OoO designated officers for coordination of the consultative meetings.</li><li>• Prepare a final report of the assignment not later than one month after completion of the assignment.</li><li>• Present the final version of the report to the OoO for final appreciation within 20 days of the training.</li></ul>
<b>EXPECTED OUTCOME</b>	<ul style="list-style-type: none"><li>• Delivery of an Inception Report with a detailed work plan.</li><li>• Delivery of a draft report on training needs and gaps related to disciplinary procedures and cases.</li><li>• Development of a training curriculum and materials for the exercise.</li><li>• Delivery of training on agreed areas and modules to OoO officers</li><li>• Provision of a final report on the success of the training and recommendations on areas of need for further redress.</li></ul>
<b>LOCATION</b>	Lilongwe, MALAWI
<b>INPUT</b>	15 working days
<b>TIMEFRAME</b>	April – June 2025



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## 1. BACKGROUND

The European Union is funding the Technical Assistance Project to provide technical and administrative assistance to the Government of the Republic of Malawi in implementing the Chilungamo Programme II, which is continuity for the Chilungamo I, implemented between 2018 and 2022. The Chilungamo I Programmer’s main objective was to contribute to a dignified life through accountable Government, informed democratic choice, and humane and effective delivery of justice.

Chilungamo II builds on previous interventions in the justice sector and will continue to support justice reforms that aim at long-term and sustainable solutions to systemic issues with accessibility and effectiveness of key justice institutions. To this end, the project will support institutional capacity building, gradual decentralisation of services, and introducing and scaling up innovative solutions such as alternative sentencing and expanding paralegal and mediation services. Seven key justice institutions are to be supported under this project: the Ministry of Justice, the Judiciary, the Police, the Prisons, the Malawi Human Rights Commission, the Office of the Ombudsman and the Legal Aid Bureau.

## 2. CURRENT SITUATION OF THE JUSTICE SECTOR IN MALAWI

The Constitution of Malawi guarantees every person the right of access to justice, which entitles him or her to recognition before the law; access to any court of law or any other tribunal with jurisdiction for final settlement of legal issues; and effective remedies by a court of law or tribunal for acts violating his or her rights and freedoms. Since adopting the current Constitution in 1994, the legal provisions that guarantee inclusive access to justice have been supported by the development and operation of a wide range of state and non-state institutions involved in delivering justice.

Despite the existence and operation of relevant legal standards and institutions, access to justice remains limited for most Malawians, especially women, the poor and other social groups whose access to justice remains disproportionately limited. Limitations in access to justice affect certain socio-demographic groups disproportionately, and vulnerable populations, including women and child victims of crime, have particular needs and face challenges when reporting sexual and other forms of violence to the police and during trials that make it difficult for them to participate fully during proceedings, leading to acquittals in many cases.

## 3. EUROPEAN UNION – MALAWI COOPERATION

The European Union is a longstanding leading development partner in Malawi's Democratic Governance Sector (DGS). The European Union's Multiannual Indicative Programme (MIP) includes Democratic and Economic Governance as a Priority Area.

## 4. OVERALL OBJECTIVE OF CHILUNGAMO II

The Overall Objective of Chilungamo II (Access to Justice) is to **improve the humane and effective delivery of justice for all, especially those living in marginalised and most vulnerable situations**. The programme also seeks to contribute to achieving the objectives of Malawi’s rule of law and justice reform agenda and Democratic Governance Sector Strategy and build on successes and lessons from previous programmes and strategies.



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To contribute to the Overall Objective of the Chilungamo II (Access to Justice), the technical assistance should contribute to one of the following objectives.

- Specific Objective 1: Enhance the effectiveness and legal and coordination frameworks of the key justice institutions.
- Specific Objective 2: Improve access to justice for all, especially for the population living in the most vulnerable situations and for women

## 5. DESCRIPTION OF THE INSTITUTIONAL NEED FOR THIS CONSULTANCY

The OoO is mandated under the Constitution and Ombudsman Act to promote justice and effective functioning of organs of government and entrench democratic principles and values. It does so by performing two major functions: safeguarding good administrative practices and promoting democratic principles and values. In safeguarding good administrative practices, the OoO conducts investigations on alleged maladministration actions and provides remedial actions to redress injustices emanating from such actions. On the other hand, the promotion of democratic principles and values is advanced by, among others, conducting public education programs to educate people on accountability, service delivery, and good governance in general.

In line with the pressing need to fulfill the mandate of the office, the Consultant will be tasked with the responsibility of enhancing the capacity of the Office of the Ombudsman’s Investigation Officers in handling cases of a disciplinary nature. The crux of the consultancy emanates from the growing number of instances of disciplinary nature that the office has been receiving recently. The mix of the officers of the OoO, drawn from various fields, does not possess adequate knowledge and skills in handling cases of this nature. This trend highlights the need for the office’s human resources to possess relevant knowledge and skills in this area.

## 6. THE OVERALL OBJECTIVE OF THE CONSULTANCY

Provide capacity-building training to the Office of the Ombudsman’s Investigation Officers in handling cases of a disciplinary nature.

### 6.1. SPECIFIC OUTPUTS OF THE CONSULTANCY/DELIVERABLES

- Prepare an inception report with detailed methodology of the assignment.
- Develop teaching materials to be used for the training. This exercise must be done in conjunction and consultation with designated officers.
- Prepare a workplan for the assignment until the end of the assignment **showing clear milestones and deliverables**; the work plan will have to be submitted and discussed before the start of the consultancy. The work plan should be prepared in coordination and jointly with OoO designated officers for coordination of the consultative meetings.
- Conduct a training on disciplinary procedures.
- Prepare a final report of the assignment not later than one month after completion of the assignment.
- Present the final version of the report to the OoO for the final presentation within 20 days of the training.



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## 6.2. SCOPE OF THE ACTIVITIES

Under the Ombudsman guidance, the Consultant will support the OoO in enhancing the capacity of OoO officers through the following activities:

1. Conducting a thorough assessment of training needs and gaps in the disciplinary procedures area in consultation with designated OoO officers.
2. Compiling an initial report of training needs and gaps assessment for discussion with relevant OoO officers.
3. Developing a curriculum and training materials for the exercise in consultation with designated officers.
4. Carrying out training on disciplinary procedures, legal and institutional framework based on agreed areas of attention.
5. Compiling a final report on the training activity with recommendations.

## 6.3. METHODOLOGY TO BE USED

The Consultant is at liberty to suggest his preferred methodology so long as it augurs with the purpose of this consultancy. However, below are some of the suggested methods:

### 1. Needs Assessment

Conduct a systematic process of identifying and evaluating the specific needs of Investigation Officers in handling Disciplinary related matters. This can be done through Surveys, Interviews and Focus Group discussions.

### 2. Stakeholder Engagement

The Consultant is expected to collaborate with Investigation Officers in producing a training manual that reflects the skills gap in the proposed area of capacity building. This can be done through roundtable discussions and other applicable methods.

### 3. Capacity Building

In strengthening skills and abilities of Investigation Officers to handle cases of disciplinary nature, the Consultant is expected to provide training through workshops and training manuals.

## 6.3. TASKS TO BE CONDUCTED BY THE CONSULTANT

TASK	TIMELINES
Conduct a thorough assessment of training needs and gaps in the disciplinary procedures area in consultation with designated OoO officers.	4
Compile an initial report of training needs and gaps assessment for discussion with relevant OoO officers.	3
Develop a curriculum and training materials for the exercise in consultation with designated officers	3



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Carrying out training on disciplinary procedures, legal and institutional framework based on agreed areas of attention	3
Compiling a final report on the training activity with recommendations	2
<b>Total days needed</b>	<b>15</b>

## 7. NON-KEY EXPERT REPORTING REQUIREMENTS

The expert will report to the Executive Secretary and the Team Leader for the Chilungamo II Programme.

For the contracting and overall supervision of the deliverable, the consultant shall report to the Team Leader of the Chilungamo Programme. The Office of the Ombudsman and the team leader of Chilungamo II are responsible for providing the NKEs with the necessary background material.

Reports must be brief documents (less than 30 pages) explaining how the work was developed, the results, and how the activity was carried out. Furthermore, the reports must showcase the achievement of the specific objectives and expected results/outputs of the mission. All reports must have an Executive Summary. The different products established in the ToR will be presented as annexes and must be submitted in separate documents and in Word format.

1. The consultant must use the Template “NKE Reporting Activities”, which will be provided to the consultant by either the Project Manager ([elisenda.comadran@dt-global.com](mailto:elisenda.comadran@dt-global.com)) or Project Administrator ([gnhlema.consultant@dt-global.com](mailto:gnhlema.consultant@dt-global.com)).

At the beginning of each report, the following pages must be filled out:

- Cover page
  - Disclaimer
  - Author's name
  - Executive Summary
2. Indexes should be automatic.
  3. All documents, including annexes, must bear the DITISA logo and the contract number.
  4. Reports must have the pages numbered.
  5. Uniformity of the report in terms of font, size and spacing. The font must be either Cambria or Calibri
    - Title: Cambria or Calibri 14
    - Sub-Title: Cambria or Calibri 12
    - Report body: Cambria or Calibri 11
    - Line spacing: 1.15
  6. The headings of the different sections should be numbered.
  7. The annexes must be separated with the same headers and footers except for the ToR approved by the DUE.



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## **8. USE OF INCIDENTAL FUNDS**

The consultant is expected to present a work plan as part of the Inception Report. For the visits outside the principal, a car with a driver will be hired, and the workshops will be financed by Incidental funds, ensuring adequate use of resources. The incidental report has to include a budget for the workshops, which has to be approved. Additionally, the printing cost of the plan will be paid from the incidental funds.

## **9. SUPERVISION OF THE CONSULTANCY**

The consultant must deliver all the results to the beneficiary institutions and get their approval of the quality. For the formal approval of the deliverables, the expert shall report to the Team Leader, who shall be responsible for the overall coordination of the Non-Key Expert (NKE) work. The Office of the Ombudsman and the Project team are responsible for providing the NKE with the necessary background material.

## **10. LOCATION AND DURATION OF THE ASSIGNMENT**

This assignment will be implemented in Lilongwe, Malawi, with possible missions outside the assigned area. The duration of the assignment is 15 working days over one month.

## **11. QUALIFICATIONS REQUIRED — DEMOCRATIC GOVERNANCE EXPERT**

### **11.1. QUALIFICATIONS AND SKILLS:**

- A master's degree in law, Public Administration, Political Science, Human Resources Management, or any other closely related discipline.
- Excellent written command of English is essential.
- Excellent analytical, interpersonal and communication skills.
- Organization, mobilization and changing management skills.
- Ability to develop solid partnerships with high level officials to achieve project results.

### **11.2. GENERAL PROFESSIONAL EXPERIENCE:**

- Minimum of 10 years professional experience with at least (Six) 6 years' experience in providing training in labour issues.
- Ability to work under pressure.
- General track record of undertaking similar assignments in the past. Strong computer literacy (MS Office).

### **11.3. SPECIFIC PROFESSIONAL EXPERIENCE**

- At least Six (6) years' experience in conducting training in labour and disciplinary issues.
- Strong knowledge of the Democratic Governance Sector, including working in the governance sector.