

Terms of Reference

External expert to review the Manual for taking the exam for Inspectors in regard to the Law of companies and other economic entities and economic operations and Basis of criminal law and criminal procedures

Background

The Regional School of Public Administration (ReSPA) is an inter-governmental organization for enhancing regional cooperation, promoting shared learning and supporting the development of public administration in the Western Balkans. ReSPA Members are Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia, while Kosovo*¹ is a beneficiary. ReSPA's purpose is to help governments in the region develop better public administration, public services and overall governance systems for their citizens and businesses and prepare for membership in the European Union.

ReSPA establishes close cooperation with Ministers, senior public servants and heads of units in Members. ReSPA also works in partnership with the European Union, specifically Directorate General for Neighbourhood and Enlargement Negotiations (DG NEAR), other regional actors such as OECD/SIGMA and Regional Cooperation Council (RCC), as well as agencies and civil society organizations. Since its inception, ReSPA, as an international organization and a key regional endeavour in Public Administration Reform, has contributed to capacity-building and networking activities through on-demand support mechanisms, peering and the production of regional research materials. Currently, ReSPA is implementing its fifth EC Grant Contract "Support to the Regional School of Public Administration for implementing PAR Agenda and facilitating EU accession process in the WBs" which is active as of 1 January 2023. ReSPA works primarily through regional networks which operate at three levels: Ministerial, Senior Officials, and networks/working groups of experts and senior practitioners.

There is one network – Programme Committee composed of the senior civil servants representing the ministries responsible for the Public Administration and institutions in charge of the European Integration process coordination of the ReSPA Members and four regional thematic groups: (1) Policy planning, better regulation and coordination of Centre of Government, (2) European integration and accession negotiations; (3) Human Resources Management and Professional Development; (4) Service Delivery (digitalization and quality management).

¹ * This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and ICJ Advisory opinion on the Kosovo Declaration of independence.

ReSPA supports its members through its mechanisms of support and one of them is the on demand request mechanism. This mechanism addresses the specific needs of ReSPA Members, supporting public administration reforms in the areas covered by the ReSPA Programme of Work.

This Terms of Reference (ToR) refers to the request submitted to ReSPA by the Ministry of Public Administration and Local-Self Government of Serbia that requested revision and improvement of the Manual for Inspectors for taking the exam.

Description of the assignment

MPALSG, in accordance with the regulations governing certain administrative areas, performs public administration tasks related to the State professional exam and three special professional exams Exam for the inspector, the Exam for municipal militiaman and the Special professional exam for the registrar. By monitoring the situation in this area, the need for certain improvements in the way of performing tasks related to administrative decision-making, organizing and conducting professional exams and providing services in this segment was determined, which was largely accomplished by establishing a new software solution for professional exams. However, it was also determined the need to establish an adequate way of supporting candidates to prepare for passing the mentioned professional exams, in order to achieve the target value in the percentage of candidates who successfully passed the professional exams in relation to the number of candidates who took the exam (more than 80 %).

In addition to other activities, the result of which should contribute to connecting the field of professional exams with professional training and finding the best modalities to support candidates for taking professional exams, MPALSG prepared, published and made publicly available literature for preparing for taking professional exams: Manual for taking the State professional exam, Manual for taking the Exam for communal militiaman and Manual for taking the Special professional exam for the registrar. In addition to the printed version of the manual that each candidate receives along with the decision approving the passing of the professional exam, the electronic version of these manuals is available on the Ministry's website:

<https://mduls.gov.rs/wp-content/uploads/Prirucnik-za-polaganje-drzavnog-strucnog-ispita.pdf>

<https://mduls.gov.rs/wp-content/uploads/Prirucnik-za-polaganje-ispita-za-komunalnog-milicionara.pdf>

<https://mduls.gov.rs/wp-content/uploads/Prirucnik-za-polaganje-posebnog-stru%C4%8Dnog-ispita-za-mati%C4%8Dara.pdf>

In order to ensure equal conditions for preparation for taking professional exams for all candidates, as well as to improve the success of candidates in taking professional exams, the Ministry also began the development of the Manual for Inspectors for taking the exam. The text of this Manual (517 pages) has been prepared in the content prescribed in the Annex Program for taking the exam for Inspector, which is an integral part of the Rulebook on the inspector exam ("Official Gazette of RS", number 15/20 - <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2020/15/2/reg>).

The objective of this assignment is to review the text of the Manual for Inspectors for taking the exam and ensure its high-quality.

The expected **result of this intervention**:

- Increased success rate of candidates in taking the Exam for Inspector;
- Manual used by inspectors in their daily work, since it has been prepared on the basis of valid regulations that regulate the areas of the exam subjects, i.e. knowledge skills required for the performance of inspection supervision.

The publisher of this Manual will be the MPALSG, and they will provide funds for the printing of the Manual. The preparation procedure for the publication and printing of the Manual for Inspectors for taking the exam must be preceded by **a detailed review of the prepared text**, which includes the process of description and evaluation of the prepared text, but also the process of correction and control. This entails both, the direct work of reviewer, and interaction with the authors, in order to improve the text **to a version that is satisfactory and positively evaluated for publication by reviewers**. This type of support, through this mechanism, enables the high-quality and expeditious engagement of adequate experts in the mentioned field, bearing in mind the deadlines provided in the PAR Action Plan 2021-2025.

With this ToR, ReSPA is seeking an Expert who would improve the text and revise the following areas of the Manual: Law of companies and other economic entities and economic operations (p.338-456) and Basis of criminal law and criminal procedures (p.220 -337).

Tasks and responsibilities

The assignment will include the tasks and responsibilities stated below for a duration of up to **16 (sixteen) days**:

- Participate in the Introductory meeting of representatives of the MPALSG - The Sector for Professional Development, in order to additionally/finally confirm the understanding of the goals, conditions and outcome of the review and determine the necessary documents and information for professional work.
- Conduct quality control of the text of the Manual in the areas of general administrative procedure and administrative dispute, inspection supervision and skills required for the execution of inspection supervision (author's manuscript)
 - determine to what extent the quality of the text from the professional aspect is at a level that allows the Manual to be used as a source of knowledge for the appropriate exam of the Exam for Inspector;
 - inspect whether the Manual includes all the questions determined by the inspector exam program;
 - determine whether the Manual was prepared in accordance with the valid regulations that regulate the areas of the examination subjects, that is knowledge of the skills required to perform the tasks of inspection supervision.
- Prepare a proposal for a decision on the review, which can be one of the following:

- manuscript has been accepted in the areas of general administrative procedure and administrative dispute, inspection supervision and skills required for the execution of inspection supervision without any changes;
- manuscript has been accepted under the condition that the author acts according to the comments and suggestions of the reviewers;
- manuscript has not been accepted
- Submit comments and suggestions to the authors for improving the manuscript (Manual text) in the areas of general administrative procedure and administrative dispute, inspection supervision and skills required for the execution of inspection supervision, and estimate the deadline by which the authors should submit the improved text.
- Conduct a quality control of the text of corrections/improvements made by the authors in the areas of general administrative procedure and administrative dispute, inspection supervision and skills required for the execution of inspection supervision and the entire Manual (author's manuscript).
- Compile the review report in the areas of general administrative procedure and administrative dispute, inspection supervision and skills required for the execution of inspection supervision, which must contain:
 - data on the reviewed act (e.g. author(s), title, type of work (Manual), purpose of the Manual, the scope of the Manual - number of chapters, number of pages, etc., number of acts and regulations listed in the literature list, approximate percentage by which the work covers the exam subjects);
 - opinion on the act (to what extent the proposed manuscript corresponds to the content of the exam subjects, to what extent the manuscript is methodically adapted to the exam subjects; adequacy and correctness of the cited literature; to what extent the content of the manuscript is presented in terms of systematicity, clarity, ethics and linguistic truth);
 - conclusion and assessment (proposal for possible corrections and changes in the manuscript; statement on whether the work fully or partially meets the requirements of the literature/regulations for the exam subjects of the Exam for Inspector);
 - information about the reviewers and the date of writing the review and the reviewer's signature.
- Submit the Report and review jointly with the second expert, covering the entire text of the Manual to the MPALSG - The Sector for Professional Development
- Preparation of the report for ReSPA.

The engaged Expert will liaise directly with the Ministry of Public Administration and Local-Self Government of Serbia team that will work together with the expert on the assignment and will provide all necessary information. The engaged expert shall also liaise with the ReSPA Programme Manager in charge of the assignment and will take into consideration the instructions received beforehand.

Necessary Qualifications

The Expert shall possess the following profile:

Qualifications

- At least MA degree in Law, Public Administration, Political Sciences, Social Sciences, Economics, MBA or a related field.
- PhD will be considered an asset.

General professional experience:

- At least 10 years of work experience in public administration and/or academia;

Specific professional experience:

- Demonstrated prior completion of manuals/textbooks reviews;

Skills:

- Good written and oral communication skills in Serbian and English language;
- Strong oral and written communication skills;
- Ability to write clear and coherent guidance documents;
- Ability to express ideas clearly;
- Ability to summarize and systematize complex information and identify priorities in the implementation of planned activities.

Timing and Location

The assignment foresees work from home and participation in meetings. The assignment will be performed from **May - July 2023**.

Remunerations

The assignment foresees engagement of up to **16 (sixteen)** expert days in the amount of up to **8.000 EUR**.

The ReSPA expert selection procedure will define the daily fee based on the assessed and evaluated expert's capacity. The payment will be made in one instalment on completing the assignment and the approval obtained from ReSPA.

Note: No other costs will be covered apart from the expert cost per day. The expert cost per day comprises of expert's fee per day and (if needed) a lump sum for covering related costs which include, travel, accommodation, local transport, meals and other incidentals.

Reporting and Final Documentation

The Expert will be requested to deliver the following documents before the payment is conducted:

Output

- Remarks and suggestions for improving the text of the Manual in Serbian language submitted to the authors.
- Reviewed manual in Serbian language.

Documents required for payment

- Invoice (original and signed);
- Timesheets (original and signed);
- Report in English language on the conducted assignment.