REPORT ON THE IMPACT OF SOCIAL SERVICES DECENTRALISATION PROCESS
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<td>MLSW</td>
<td>Ministry of Labour and Social Welfare</td>
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<td>CSW</td>
<td>Centre for Social Work</td>
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<td>KOMF</td>
<td>Koalicioni i Organizatave për Mbrojtjen e Fëmijëve</td>
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<tr>
<td>OFAP</td>
<td>Organizata për Fëmijët pa Kujdes Prindëror</td>
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<td>SOS</td>
<td>SOS Fshatrat e Fëmijëve Kosovë</td>
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<td>EU</td>
<td>European Union</td>
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<td>EUOK</td>
<td>European Union Office in Kosovo</td>
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<td>LSFS</td>
<td>Law on Social and Family Services</td>
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<td>LLGF</td>
<td>Law on Local Government Finance</td>
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<td>LLSG</td>
<td>Law on Local Self Government</td>
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<td>DHSW</td>
<td>Directorate of Health and Social Welfare</td>
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<td>MoF</td>
<td>Ministry of Finance</td>
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<td>MLGA</td>
<td>Ministry of Local Government Administration</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>DFID</td>
<td>Department for International Development, United Kingdom</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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ABSTRACT

Although decentralisation process in Kosovo has been structured to improve access to social services, relatively there is no evidence that this has happened. This report shows that decentralisation has not improved any of the services for the citizens neither for service providers. Specifically, the decentralisation has not been implemented as meant when it actually happened in 2009, with the Memorandum of Understanding (MoU) signed between three Ministries (Ministry of Labour and Social Welfare, Ministry of Finances and the Ministry of Local Government Administration) making municipalities officially fully responsible for social services delivery. Since then, there was no action taken in order to empower the implementation of the decentralisation process, and yet the budget for social services is not decentralised, which is crucial for its implementation.

On the other hand, it is still unclear for the local authorities about what are their responsibilities related to the decentralisation process. Currently, the willingness of municipalities to focus on decentralisation of social services is limited. This is happening due to the lack of information and prioritization of social services by municipalities.

Also, given the fact that Municipal Directors of Health and Social Welfare Directorates are politically appointed and usually have medical background, they lack dedication and commitment for social services, by focusing only in the field of health care. Municipalities generally lack a vision in the long-term development of social services.

Key stakeholders involved and responsible for the implementation of the social services decentralisation process, confirm that there is a need for the review of the current legislation, and the need to invest in capacity building and infrastructure at local level in order to complete the decentralisation process of social services.

Municipalities have not established a sustainable social service contracting scheme yet, and as a result municipalities do not supervise or monitor providers of social services in their communities.

In the meantime, decentralisation of the budget for social services and establishment of monitoring and evaluation mechanisms are considered crucial for ensuring the implementation of the social services decentralisation.
INTRODUCTION

The production of this research report is part of the project “Joined Action for Decentralisation” financed by EU, managed by European Union Office in Kosovo and implemented by Coalition of NGOs for Child Protection KOMF in partnership with Organization for Children without Parental Care – OFAP, SOS Children’s Villages in Kosovo, and KMOP-Social Action and Innovation Centre.

The overall objective of the project is to contribute toward the completion of social services decentralisation process in Kosovo, and the specific objectives of the project are to:

1. Strengthen and increase capacities and active role of Coalition of NGOs for Child Protection – KOMF towards the social services decentralisation process;
2. Advocate toward decentralisation of social services through contribution for the improvement of related legal framework, monitoring of current legislation and mobilisation of public institutions;
3. Raise awareness among wide public through media communication on social services decentralisation.

In order to evaluate the impact of the decentralisation and how this process affected quality of social service provision, the action has foreseen the conduction of a research and production of this report, which will elaborate the current situation and the issues affected by the process of decentralisation in general.

More specifically, the research has been focused in finding answers about the following questions:

1. What is the current impact of the decentralisation process?
2. Were there any unintended effects, positive or negative?
3. What difference has decentralisation process made for institutions? What difference has it made for beneficiaries?
4. What factors contributed to achieving the intended outcomes of the decentralisation? What factors negatively affected intended outcomes of the decentralisation?
5. What has been learned through the decentralisation process until now?
6. What can be done in order to improve and complete the decentralisation process?

The report presents the existing framework and current situation of decentralisation of social services and provides conclusions and recommendations for the implementation of the decentralisation process.

Following the publication of this report, the consortium has conducted a monitoring of the implementation of social services decentralisation, in order to increase the accountability of public institutions at central and local level on decentralisation process of social services.

This project will also contribute in the implementation and completion of the decentralisation process, through the development of awareness raising campaigns toward the wide public, since there is a lack of information and collective consciousness on the importance of social services and the impact of decentralisation process in the quality of services.
SOCIAL SERVICES AND THE DECENTRALISATION PROCESS

According to the Constitution of Kosovo, Municipalities are the basic units of self-government. Municipalities have their own, extended and delegated competencies in accordance with the law. Competences of the Law on Local Self-Government, which defines the legal status of municipalities, their competencies and general principles of municipal finances, organisation and functioning of the municipal bodies, the intra-municipal arrangements and the inter-municipal cooperation including the cross border cooperation and the relationship between municipalities and central government. This law, together with the Law on Administrative Municipal Borders, and Law on Local Government Finances, regulate local governance in Kosovo. This framework determines that municipalities shall exercise their competencies in accordance with the principle of subsidiarity.

The social services decentralisation process started in 2009, but despite the efforts to complete it, the process itself remains one of the main challenges in social welfare sector. Even though competencies have been decentralised from the central to the local level, financing of social and family services hinders the completion of decentralisation process, thus provision of quality and sustainable social services for the citizens in need for social protection. Currently there is no mechanism for a fair division of the budget for social services due to lack of finances for social services. Although there is high incidence of social vulnerability in Kosovo, social welfare is not an issue which is considered as priority on the political agenda. This applies both at the national and municipal level. Several reasons could explain this, including the focus only on capital investments, the lack of financial recourses and the lack of political visibility of spending on social welfare.

In Kosovo there are 40 Centres for Social Work in 38 municipalities mandated to provide social and family services, and around 30 non-governmental organisations licensed by Ministry of Labour and Social Welfare to provide social services for citizens in need for social protection. Based on MLSW statistical data, the overall annual number of beneficiaries of social services in Kosovo is around 120,000 citizens.

While the provision of social services falls under the municipal level, the Ministry of Labour and Social Welfare mandate is development of policies, licensing of service providers, monitoring and inspection of the quality of services provided by public and private entities.

Legal framework in force currently does not fully guarantee the financing of social services, division of responsibilities between central and municipal level, monitoring and inspection of quality of social services, thus hindering the completion of decentralisation process. European Union Progress Report for Kosovo and conducted researches recommend the establishment of Specific Grant for Social Services through amendment of the Law on Local Government Finances, for ensuring the sustainable and adequate financing for social services, thus contributing in the decentralisation process of social services. In the other hand, the entire social services system, integration of services, monitoring and inspection of quality of social services need to be further advanced through amendment of Law on Social and Family Services.

The municipal budget derives from the government general grant and municipality revenues. The budget structure is made up of three main components: wages and salaries, goods and services and capital expenditure. The financing of social services as a transferred competency from the MLSW to the municipalities has been communicated through the Memorandum of Understanding. According to the MoU, the budget for social services is allocated to municipalities from the General Grant, hence gets included in the general budget of each municipality. Current system of financing gives significant freedom and flexibility to local authorities on the distribution of funds between municipal directorates.

Currently, the budget planning framework does not oblige the municipality to define the funds specifically allocated for social services. The annual budget planning, therefore, used to take into account only administrative and salary expenses necessary for the maintenance of the CSW as an institution and tended automatically to replicate the previous years’ planning framework rather than forecasting needs for new services and capital investments for new facilities to meet the needs of local people. In the other side, some of the municipalities time by time provide small funds to NGOs in ad hoc basis, but there is not a system in place at municipal level to provide financial support to non-governmental sector on regular basis. Thus, this way of functioning doesn’t guarantee the quality and sustainability of social services. A detailed analysis of financing social services was done in 2016 by KMOF, and that confirms the need for specific budget allocation for social services.

The lack of the Specific Grant for Social Services and the lack of a financing formula, have disabled municipal institutions and licensed contracted organisations to fulfil the mandate and obligations provided by the applicable legislation in place.

However, in the Municipal Budget Circular 2015/01, prepared by MF with the input of an EU Project, a specific “Social welfare services” programme has been defined through which the municipalities are explicitly required, on the basis of this programme, to forecast in the General Grant framework the expenses that will be needed specifically for the further development of local social services based on community needs assessments, including the establishment of new services and the contracting of services from non-governmental services providers. There is a need, however, to ensure that criteria for determining local social services budget requirements are developed and used.

EU Support to the Ministry of Labour and Social Welfare (MLSW) in Strengthening the Mechanism for Implementation of Social Services Decentralisation
METHODOLOGY

The research included on the one hand review of existing legislation, desk review of documents and publications and on the other hand interviews with professionals directly involved in the implementation of the social services decentralization process.

Legal framework, strategies and normative acts were reviewed alongside a range of researches and publications relating to social services and financing of social services. A full list of the documents used for the desk review of this report is attached in Annex 2.

Field research included 14 face-to-face interviews with social service providers, including representatives from municipal authorities and different CSOs. Interviews were conducted in five different municipalities: Gjakova, Istog, Klina, Gjilan, and Vushtrri.

All interviews were conducted during July 2019, and each interviewer was visited at their respective working place/institutions, such as CSWs, DHSW and NGOs.

The interview questions were developed by the research team and the questionnaire included fifteen questions (Annex 1).

During the interviews, all interviewees were encouraged to answer all questions, by giving enough space to express themselves, and offered unlimited time to discuss all the details. All data collected then has been analysed and the results from both desk review of documents and interviews are presented in the following chapters.
FINDINGS FROM LEGISLATION REVIEW

When the decentralisation process was introduced back in 2009, the legislative framework for the decentralisation of social services was considered complete, but gaps have been identified when the decentralisation process started to be implemented. Gaps are considered in terms of financing of social services, division of responsibilities between central and local level, reporting, monitoring, and accountability.

In order to fully implement the decentralisation process, Kosovo authorities had to initiate amendments on the Law on Local Government Finance and the Law for Social and Family Services. Legislative changes are expected to affect the decentralization process, by regulating the financing of social services, monitoring and inspection and increasing the quality of municipal services.

However, the revision of legal framework does not guarantee that the decentralisation process will be fully implemented, taking into consideration other problems that have been identified.

A strategy for decentralisation of social services in Kosovo was developed for 2013-2017, and its priorities were to meet the financial needs for the provision of social services, improving social welfare in municipalities, increasing political commitment, establishing co-financing mechanisms for other stakeholders in society, further decentralizing social services, etc. Additionally, this strategy specified the roles and responsibilities of the various stakeholders involved in social services and the process of decentralisation of these services.

Early in 2019, MLSW developed a concept paper for social and family services which is closely linked to the Government Program and the strategic objectives of the Government of the Republic of Kosovo, and at the same time it addresses the objectives of MLSW Sector Strategy 2018-2022 and Action Plan 2018-2022 in relation to the social protection component, namely, social and family services.

Also in 2019, Kosovo Government has approved the Concept Document for Local Government Finance, where it is foreseen the creation of a Specific Grant for Social Services. The approval of the concept document for Local Government Finance is a very important step towards solving the problem of providing sustainable financing of social services.

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The current impact of the decentralisation process is considered slight in terms of service provision. Based on the interviews developed through this research, the main problem is that the decentralisation process has happened as an act, but nothing was done for its implementation. Since 2009, when the decentralisation has happened, there were difficulties faced by both the municipal authorities and service providers, but mainly by the staff of the Centres for Social Work.

Although the process itself is considered very important, taking into consideration that all the services are meant to be closer to the community and people in need, the current situation shows that there are no significant changes from before the decentralisation. Compared to the past, there are no improvements for services that are provided, and there is lack of infrastructure, human and finance resources and lack of professional training for providers.

According to the interviewees, the decentralisation of social services was not planned well. First, this process has started without any preparatory phase to build the capacities for the implementation of decentralisation process. Municipalities were not prepared nor trained to take over all the responsibilities that were handed over to them with the decentralisation process. Second, competences and responsibilities are not clearly defined, creating confusion between the two levels; central and municipal level. In the other side, CSWs lack human and financial capacities, and as a result of this as well as due to the workload that they experience, some of social services were completely shut down and the quality of social services provided decreased.

There was no research done prior to introducing the decentralisation process, or prior to deciding how the process would look like, and key actors involved for the implementation of the decentralisation process were not aware of their responsibilities, and are not aware even after 10 years now since the decentralisation of social services has started.

According to CSW staff, MLSW should have played the facilitating role since the beginning of the decentralisation process, but what has happened in reality is that they just handed over the responsibilities to municipalities, and after that there was no follow up or monitoring.

MLSW still does the monitoring and inspection of the social services, but the capacities of its relevant unit, including human, financial and logistic, are very limited in order to cover all Kosovo. The dual mandate or role that MLSW has for monitoring and inspection is a clear conflict of interest as in many cases this unit monitors and inspects itself. Moreover, monitoring and inspection should be seen as two separate processes. This is also proposed as a result of practices from other countries, where monitoring should be conducted by the municipal level, inspection by the central. Similarly, the inspection does not fulfil its purpose, taking into account the fact that the relevant unit in MLSV has no executive powers but merely gives recommendations.
Furthermore, there is no monitoring of social services at local level done by DHSW, which impacts the quality of the services and lack of clear picture of the needs and challenges. In addition, there are no monitoring tools and human resources trained in the local level in order to conduct a monitoring process.

The cooperation between local and central level is lacking. Even though there used to be monthly meetings before organised between municipalities and MLSW, now there are meetings organised only by non-governmental organisations. In the other side, there is an increase of cooperation between municipalities and non-governmental organisations at local level.

There is no specific budget for CSW or other providers for social services. As a result, there are problems faced on daily basis starting from logistics, such as lack of paper in the office, lack of a vehicle etc., to the lack of profiled staff as it is foreseen by the Law, the lack of other services and the low quality of existing services. Even though these problems were supposed to be simplified and easier with the decentralisation process, still CSWs face bureaucratic procedures lasting so long and impacting the level of services offered to the respective beneficiaries.

Municipal Directors of Health and Social Welfare are usually politically appointed, and most of the times they are not informed about what has happened within their respective directorate, in this case how the decentralisation process occurred and what are their responsibilities. Given the fact that these positions are politically appointed, social services are never considered priority for them, as they focus mainly on the health sector and political priorities of municipalities.

In distinction to the situation before the decentralisation process, CSW now have their statute. However, most of the interviewees from CSW were not satisfied with the content of the statute, and now they hope that through revision of the Law on Local Government Finance and the Law on Social Family Services, the Statute of CSW will be unified and updated in full accordance with both laws.
CONCLUSIONS

Overall, local government system remains challenged as the municipalities do not have sufficient, financial, operational, administrative and technical capacities, and this directly impact the implementation of the social services decentralisation.

As mentioned above the legislation needs to be reviewed and updated for the well-functioning of the decentralised governance.

Communication between local and central level is a critical aspect in order to efficiently overcome the barriers and implement the decentralisation process in an adequate way. Without effective and efficient communication, not only between local and central level, but between the stakeholders within the municipalities as well, it will be difficult to overcome the problems and obstacles faced by everyone involved in the implementation of the decentralisation process.

An important aspect that has a major impact in decentralisation process is division of responsibilities between central and local level, as well as definition of monitoring and inspection powers.

Another problem at the local level is the lack of information for the decentralisation process of social services and responsibilities that local authorities have in this regard.

Opportunities for training and education for the staff, especially staff of DHSW and CSW are limited, therefore they can’t perform adequately, and this directly harms the process of decentralisation and the citizens.

Based on the findings from the review of legislation and interviews, the report draws the following key conclusions:

- There are gaps related to the legislation in place that hinder the completion of decentralisation process. Thus, the Law on Local Governance Finances and Law on Social and Family Services need to be amended in order to address the identified gaps.

- There are still some schemes and services managed by the central level (centralised) especially social schemes, cash benefits, such as social assistance scheme, foster care scheme, scheme for material support for parents who has children with permanent disabilities, etc.

- There is no certain budget for the implementation of the decentralisation process, this was not planned in the beginning and the process was planned without costing forecast. Municipalities continuously complain on the lack of the budget, and for them this is the main reason why they can’t fulfil their obligations. Since the beginning of the decentralisation process, CSWs have petty cash for the daily needs and very often they fail to assist cases, due to bureaucratic procedures that municipalities have in place.

- Competences and responsibilities are not clear for the municipalities. There is unclear ownership workflow for CSWs and NGOs in the local level. They receive instructions sometimes to conduct double reporting – to DHSW and MLSW, and their report is done in unstructured manner. In addition, the report sent to DHSW contains more general data on social services, while the report sent to MLSW contains detailed data on each treated case. This has made communication and coordination more difficult between the two bodies as it is often the case that DHSWs require access to detailed data within the jurisdiction of the municipality, while CSWs are reluctant to share this information with municipalities for the sake of confidentiality. The reporting and accountability line needs to be adjusted and clarified to avoid the bureaucratic challenges encountered to date.
There is a lack of capacities within municipalities regarding social services. There is a lack of professional staff in the field of social services in most of DHSWs and this directly impacts the daily work, organization, planning, management and monitoring of social services. Moreover, there is no proper handover by people holding political positions within municipal authorities, specifically by the Directors of DHSW to their descendants, and therefore newly appointed Directors lack information about the decentralisation process.

Monitoring and inspection powers are not clear. Currently, inspection and monitoring is conducted by same unit within MLSW, the inspection does not have executive powers and can only give recommendations. There is also a lack of human and financial capacities within current inspection unit to perform effective inspection site visits, namely, to cover the entire territory of Kosovo. On the other hand, there is no monitoring conducted by the municipalities, furthermore there are no monitoring tools in place for municipal level. There is a need to divide the monitoring from inspection; inspection to be conducted by central level, while monitoring to be conducted by municipalities.

Municipal plans of actions and strategies for the social support of vulnerable citizens very often are developed in some of municipalities, but not implemented due to the lack of infrastructure and budget. Although municipalities have full authority to draft strategies, allocate budget and prioritise issues, yet there are problems faced due to the lack of interest for social services.

CSWs are considered by municipalities as service providers not as key actors in this process, therefore they are not involved in planning and decision making. Moreover, municipal authorities do not include NGOs and citizens in these processes neither.

This report shows that social services are not improved, some of the interviewees stated that the services are even worse with the decentralisation process. The request for different social services is increased, but it is impossible for local authorities to address all of them due to the lack of resources (logistics, finance, staff). CSWs have no capacities to provide all social services, such as psychological assistance, care for elderly people, foster care, cases over 18 years, implementation of prevention, rehabilitation and reintegration programs.

The general population are not aware of the decentralisation process and they don’t know what are the roles and responsibilities of local authorities towards citizens. Therefore lacks active citizenship in the field of welfare and social services.

Beside many challenges that have occurred, there are few positive impacts that were highlighted by some representatives of the non-governmental organisations:

- The cooperation of stakeholders from local level is more effective and they get to know better each other’s scope of work.
- Local authorities are considered more important and relevant for citizens in regard to social services.
RECOMMENDATIONS

Based on the above conclusions, here are the recommendations to be considered:

- **Drafting / Amendment of Law on Local Governance Finance, Law on Social and Family Services** in order to regulate the decentralisation process of social services. In addition, normative acts and strategies should be implemented and respected.

- **Ensure sustainable and adequate funding for social services in Kosovo through amendment of the Law on the Local Government Finance and the creation of a Specific Grant for Social Services.** This grant should have clear criteria and should be based in a financing formula for social services. In order to further develop and improve the quality of social services, municipalities, CSWs as well as NGOs that provide services for respective inhabitants should be supported with sufficient budget.

- **Clarify and define roles, powers and responsibilities between inspection and monitoring bodies between the local and central level.** Inspection should be conducted by central level, namely by the Ministry of Labour and Social Welfare, in order to review the quality of service provision and administer licensing. Inspection should have executive powers and inspect both private and public sector services. On the other hand, it is recommended that in a medium term the Ministry of Labour and Social Welfare create external and independent inspection mechanisms to review the quality of service provision and administer licensing. Whereas monitoring of decentralisation of social services should be done on regular bases by municipal level (DHSV). Municipalities should invest in adopting monitoring tools and capacity building for monitoring staff.

- **Regulate accountability, including definition of reporting mechanisms and procedures, in order to avoid unstructured and double reporting.** Therefore, reporting should be unified and standardized.

- **Capacity building of municipalities on social services.** DHSWs should have social services professionals included in their office, who will be responsible for the development and monitoring of social services. Municipal authorities should be trained and informed about the process, including the municipal mayor, legal office, etc. Municipalities need to work further in order to extend social services beyond the day-to-day policies and activities of the DHSWs. Municipal authorities should be committed to prioritize social welfare in municipalities, starting with the Mayor and Municipal Assembly, and then reaching out to the community and citizens.

- **Restructure and specialise the CSW’s staff, in order to have a multidisciplinary department, in accordance with the requirements of legislation and needs.** In the meantime, capacity building of CSW staff should be considered including training for finance management and planning, communication and reporting. Infrastructure in place should be improved in order to have a proper functioning of CSWs.
Experiences exchange between CSWs and DHSWs in different municipalities and MLSW, is very important for sharing experiences, best practices and challenges, in order to improve municipalities performance in providing social services.

Municipalities should establish schemes for contracting NGOs to provide certain social services. Prior, municipalities should conduct needs assessments in order to see which services should be prioritized and provided.

Citizens should also be informed about their rights as well as about services that are provided by the local authorities. Municipalities should organize awareness campaigns for citizens about services provided by CSWs and NGOs.
ANNEX1: QUESTIONNAIRE

Date: ____________________ Municipality: ______________
Institution: ______________  Position: ______________

1. What do you think about the decentralisation of social services in general?
2. Cili është ndikimi aktual i procesit të decentralizimit?
3. Based on your opinion, are there any unintended effects, positive or negative that have occurred with the decentralisation of social services?
4. What difference has decentralisation process made for institutions?
5. What difference has it made for beneficiaries?
6. What difference has it made for your job?
7. What are the gaps for the implementation of the decentralisation process?
8. Is there an increase or decrease of collaboration between local and central level authorities, since the decentralisation process started to be implemented?
9. What factors contributed to achieving the intended outcomes of the decentralisation?
10. What factors negatively affected intended outcomes of the decentralisation?
11. What has been learned through the decentralisation process until now?
12. What can be done, based on the lessons learned, in order to improve the decentralisation process?
13. Has the decentralisation process impacted the municipal budget planning and financial needs?
14. With decentralisation, has the cooperation between CSWs and other NGOs improved in planning and providing social services?
15. With decentralisation, is the monitoring of the quality of social services, budget preparations, and training of service providers strengthen and is the professional development of service providers developed?

Any comments/recommendations?
ANNEX 2: DESK REVIEW DOCUMENTS

**Legal framework:**
- Law on Social Assistance Scheme
- Law on Family and Social Services
- Law on Local Government Finance
- Law on Local Self Government
- Law on Civil Service
- MLSW Sectoral Strategy 2014-2020
- Strategy for the Decentralisation of Social Services 2013-2020, National Policy Advisory Commission on Social Services Decentralisation
- Statutes of Centres for Social Work
- Municipal Budget Circular 2015/01, MoF

**Reports:**
- Kosovo Progress report 2018 – EUOK
- World Bank in Kosovo, Country Snapshot, April 2018
- Financing of Social Services, KOMF 2017
- Index for the Protection of Children, KOMF 2018
- Kosovo Mosaic 2015. Overview of perceptions on public services and local authorities, USAID-UNDP
- Monitoring of the Municipalities of the Republic of Kosovo, March 2018, MLGA
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KOMF member NGOs are:
