



## **Draft Partnership Protocol**

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## **Contents**

	Page No
Introduction	2
What is a partnership?	3
Governance arrangements	3
o Corporate register of partnerships	
o Register for individual partnerships	
o Checklist	
o Risk Management	
o Insurance	
New partnerships	6
Ending a partnership	7
Appendix A – Register of partnerships	8
Appendix B – Register for individual partnerships	9
Appendix C – Issues to consider	10

## **Introduction**

The Council works with many different partnerships, ranging from major partnerships with significant funding and financial responsibilities to small groups that meet to share best practice.

Local partnerships are essential to deliver improvements in people's quality of life, but they bring risks as well as opportunities; governance can be problematic. Working across organisational boundaries can bring complexity and ambiguity that may confuse and weaken accountability. This document tries to provide a guide to the key processes that can be followed to establish and maintain effective partnerships.

The protocol provides a checklist to clarify the types of partnership that need to be considered. It also outlines a process to follow when establishing or joining new partnerships and when reviewing existing partnerships.

Different approaches need to be adopted according to the nature of the partnership. An informal or low risk partnership requires less management than a formal, statutory or business based partnership, or a community leadership role.

This protocol will be reviewed on a regular basis to ensure that any lessons learnt can be incorporated into future documents.

The protocol reflects the work of the Shared Services Task and Finish Group and the comments from the Corporate Business Scrutiny Committee of 25 August 2009 as received by the Executive Committee of 8 September 2009.

### **What is a partnership?**

There are many descriptions of partnerships. For the Council they include:

- 1) A trusted relationship to deliver a service.
- 2) Two or more organisations sharing risk, reward and resources.
- 3) Two or more organisations working together to deliver a mutually beneficial service / outcome that meets their respective objectives.

Procurement arrangements are covered by the Council's procurement and contractual rules so are not covered by this protocol. They have separate specific legal requirements and procedures that need to be followed. Member and officer networking groups and are also excluded from this protocol.

### **Governance arrangements**

The Council must demonstrate that it has good governance arrangements in place. This extends to its involvement in Partnerships.

The Local Government Act 2000 gives local authorities wide statutory powers to do those things which it considers likely to promote or improve the economic, social or environmental wellbeing of the area. This promotes opportunities for the Council to work with partners although the Council can only participate in activities that it has a statutory power to undertake and must comply with its constitution.

The Council's Director of Internal Services has delegated authority, in consultation with the Leader of the Council, to appoint Council representatives to outside organisations. He / she may therefore

need to be consulted. (Where appointments are purely on a personal basis, i.e. a Member or employee is a trustee of a charity, or a School or College Governor, and is not appointed to that role by the Council, a separate declaration must be made to the appropriate Director. )

Partnerships are a form of agreement and are best set down in writing. Ideas as to what would be the best components of an agreement can be prompted by reference to the checklist found in Appendix C.

### **Corporate register of partnerships (Appendix A)**

The Corporate Support Team maintains a register of all partnerships that the Council participates in. It is the responsibility of each Director to ensure that all appropriate partnerships that their services participate in are registered.

The register will be reported annually to the Corporate Management Team (CMT) and Scrutiny Committees. Colleagues involved in partnerships will still continue to report progress through their usual channels, i.e. Committee, or CMT.

### **Register of individual partnerships (Appendix B)**

This must be completed by the employee accountable for the Partnership and passed to the relevant Director. CMT will undertake an annual review of all registers and any changes notified.

### **Checklist (Appendix C)**

The checklist provides an aide memoire of questions to ask when setting up a new partnership or reviewing an existing partnership. CMT will require this document to be completed if the partnership meets one or more of the following criteria:

- requires a financial commitment over £5,000
- carries significant risk.
- is statutory

- is business based with other agencies such as the voluntary sector, private sector and / or other Councils.
- Is lead by East Herts Council.

Advice is available from the appropriate officer:

<b>Subject</b>	<b>Contact</b>
Finance	Financial Support Services
Performance	Strategic Direction
Constitution / Legal Status	Legal and Democratic Services
Insurance	Risk Assurance Officer
Risk management	Risk Assurance Officer or Director of Neighbourhood Services
Diversity	Community Projects Officer
Business Continuity	Head of Licensing and Community Safety

## **Risk Management**

The Council's Risk Management Strategy details the methodology adopted for the risks pertinent to the Council's accountabilities and responsibilities. Strategic and operational risks are identified through workshops, service plans and Departmental and CMT meetings. Regular risk discussions take place at these meetings. Significant partnership risks which present significant / strategic risk for the Council must be recorded on the Council's risk register. This will ensure that mitigating actions are agreed and progressed.

Where a significant risk lies with more than one organisation, or the outcome is dependant on two or more partners' complementary actions, the risks must be discussed with partners to ensure the issues are owned and managed by all the partners.

## **Insurance**

Partnerships are rarely legal entities in their own right. Staff, members or volunteers will usually work for one entity within the partnership, and goods and services will be procured by one entity.

The Council cannot provide an indemnity to separate legal entities, or members or officers acting solely on behalf of an outside body.

East Herts Council will indemnify its members and officers against liability claims arising from their official Council duties provided that:

- The action, or failure to act that is subject of the claim, was authorised by the Council.
- The member or officer acted in good faith and believed, within reason, that the action or failure to act falls within the powers of the Council, and their delegated powers.

Further Guidance is available on the East Herts Council intranet.

### **New partnerships**

When considering starting a new or joining an established partnership, consider:

- Is the partnership necessary and is it the best way of achieving the objectives?
- Will there be a duplication of the work of other groups or can the Council work with an existing partner instead?
- Will the work of the Partnership contribute to the Council's priorities?

Partnerships with little financial input or risk of damage to reputation may be initiated and / or approved at Director level. In such cases it is only required that Appendix B should be completed at the earliest opportunity.

Significant / formal partnerships must only be initiated or approved by the Executive.

This is not intended to discourage partnership working but to ensure that partnerships are necessary, appropriate and the most effective approach.

A written partnership agreement may be drafted proportionate to need. Suggestion for what might be appropriate components for such an agreement can be extracted from Appendix C.

Time spent in the early stages to develop trust, respect and openness will help enable all partners to make a valuable contribution.

### **Ending a partnership**

It may arise that the Council no longer needs to be part of a particular partnership activity. This may arise when:

- Objectives are achieved.
- Through a realisation that the partnership is not achieving either it's own or the Council's targets.
- That the partnership is not performing and there may be a better way to achieve objectives.
- That the partnership is no longer considered necessary.

For formal partnerships, an exit strategy must be put in place to minimise the problems of closure or withdrawal.

Where the Council proposes to leave a partnership the risks of withdrawal must be given full consideration and measures taken to limit any potential damage.

Prior to the decision to withdraw from or cease a formal partnership it is suggested that a report is prepared for CMT. This should include the reasons for withdrawal and lessons learnt from involvement in the partnership.

An analysis for discussion with the other partners clearly explaining the Council's decision and the proposed timetable for withdrawal should also be prepared.

**Appendix A - Register of partnerships**  
**(Sorted by responsible Officer)**

<b>Name of Partnership</b>	<b>Responsible Officer</b>
Herts Environmental Forum	Cliff Cardoza
SASIG	Simon Drinkwater
Health and Wellbeing Partnership	Simon Drinkwater
Community Safety	Simon Drinkwater
CCTV Partnership	Simon Drinkwater
Housing Partnership / Choice based lettings	Simon Drinkwater
Emergency Planning	Simon Drinkwater
Herts Forward	Anne Freimanis
Safer and Stronger Group	Anne Freimanis
Pathfinder	Alan Madin
Sports Partnership	Will O'Neill
Local Strategic Partnership <ul style="list-style-type: none"> <li>○ Learning Partnership</li> <li>○ Economy, Skills and Prosperity Partnership</li> <li>○ Children's' Trust Partnership</li> </ul>	George Robertson
Highways Joint Member Panel	George Robertson
Herts Waste Partnership	George Robertson
Herts Works Partnership	George Robertson
Green Heart Partnership	George Robertson (in conjunction with Cliff)
Big Lottery Partnership	George Robertson (in conjunction with Cliff)



## **Appendix B - Register of individual partnerships**

***(To be completed for all new Partnerships, and then annually. East Herts Council use only).***

Name of Partnership:	
Date questionnaire completed:	
By whom:	
<b><i>Filter questions; to ensure that register is only completed for genuine/ appropriate Partnerships.</i></b> <b><i>If you answer 'yes' to any of the questions below, please do not proceed further as the classification of a partnership is not met.</i></b>	
Is this a relationship governed by a contract? (Delete as appropriate).	Yes / no
Is this an informal network or consultation group? (Member or officer group).	Yes / no
Is this a joint procurement arrangement?	Yes / no
Is this a private finance initiative?	Yes / no
Is this an agency agreement or a Service Level Agreement	Yes / no

<b>Key information</b>	<b>Narrative.</b> Please do not answer 'yes' or 'no' unless directed. Provide evidence where possible.
Statutory?	Yes / no
Lead Officer (name and title):	
Total partnership budget:	
East Herts Council contribution / Council's total budget:	
What risks face the Council and how are they managed?	
Is a completed issues list required?	Yes / no
Date reviewed by CMT:	
Action / comments (if any)	

**Appendix C - Issues to consider**  
***(For East Herts Council use)***

Statutory / Formal ?	
Why is a partnership the best way of meeting this need?	
Purpose / driver / targets:	
Links to other partnership(s):	
Partnership timescale:	
Is the Council clear about the purpose and expected outcomes of the partnership, and are our objectives and priorities met?	
Are there clear lines of communication / reporting to senior managers or Members?	
Are all partners clear about outcomes, their roles, responsibilities, and timescales?	
Does the partnership contribute to corporate priorities?	
Total partnership budget.	
East Herts Council contribution / Council's total budget.	
Future financial commitments for Council.	
Who else funds the Partnership?	
Please list any assets owned by the partnership. (Not owned by individual partners).	
Governance arrangements.	
Is a proper constitutional framework in place?	
Is the partnership's legal status understood?	
Are there clear terms of reference?	
Does the partnership have terms of reference, include dispute resolution?	
How are split decisions resolved, and how are voting decisions weighted?	

Does the partnership have a project or action plan?	
How are partnership rules amended?	
Are meeting agendas and minutes produced, with clear action points?	
Is performance monitored and measured? Does the partnership review its effectiveness against agreed aims, objectives or targets?	
Are there any external review and monitoring mechanisms?	
How are media issues dealt with?	
What risks face the Council and how are they managed?	
Have risks been discussed / identified with partners, recorded, and mitigation measures planned?	
How frequently will risk discussions take place with partners?	
Does the partnership recognise and understand the importance of equalities and diversity issues?	
Have contingency and business continuity arrangements been thought through, and are exit strategies in place?	
Have insurance cover and indemnities been reviewed by the Risk Assurance Officer?	