

Northampton Borough Council Partnership Protocol

Context

Partnership working is an increasingly important way in which Local Government can deliver more efficient and effective services to local residents. Northampton Borough Council is a member of a number of partnerships with organisations across the local area, and in some cases is also the lead authority, responsible for establishing and leading some of these partnerships.

This protocol establishes minimum standards of governance and management to be followed by partnerships in order to satisfy the Council that the partnerships are being well run and are delivering benefit to the authority. The protocol will outline key requirements in initiating, approving, setting up, operating, reviewing and exiting partnership arrangements.

What is a partnership?

Definition of a Partnership

The word partnership is used with increasing frequency across all sectors. It can mean different things to different groups. A partnership can be described as a group of stakeholders brought together from a range of organisations, to be responsible for tackling challenges, and exploiting opportunities in which they have a shared interest.

A partnership can be described as a joint working arrangement where the Partners:

- Are otherwise independent bodies;
- Agree to co-operate to achieve common goals or outcomes;
- Create a new organisational structure or process to achieve these outcomes;
- Plan and implement a jointly agreed programme, often with joint staff or resources;
- Share relevant information, and pool risks and rewards.

For the purposes of this protocol, a partnership is defined as:

- An arrangement involving the Council and one or more other organisations, from any sector, **who share the responsibility for agreeing and then delivering a set of actions and outcomes** that improve the economic and/or social environmental well-being of people living in, working in, or visiting Northampton.
- *For example: local authorities working together to reduce the environmental and financial impact of domestic and commercial waste. This is defined as a partnership because the local authorities involved are working together to agree aims and objectives and also sharing the tasks which will deliver on those aims and objectives.*

Features of Partnerships

Although partnerships vary widely in the exact form they take, they usually share a number of basic features:

- **Common purpose of the member organisations**
 - **Defined roles and relationships of those involved**
 - **A range of organisations working together**
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- **A lead agency**
- **A good understanding of the work of the other bodies in the partnership and other partnerships**
- **A constitution and/or clear terms of reference**
- **Be resources in some way**
- **A commitment to share information needed to review value for money and performance**
- **A protocol for dispute resolution**

Northampton Borough Council would not define as a partnership:

- An arrangement made by the Council with a third party to deliver one or more services on its behalf. This is a contract for services. The Council is defined as the procurer/commissioner of the service and the third party as the contracted provider of that service.
An example might be a Community Centre that is run by an external management company.
- Networks, forums or groups of elected Councillors and/or officers from local authorities and others who come together to discuss forthcoming issues, policy and strategy.
For example: the Council is part of a local authority benchmarking group which formulates better practice to improve service delivery.
- Contractual arrangements that include partnership arrangements and partnership arrangements that include contractual arrangements.
- External bodies that are single organisations but in which councils may be invited to take part. *An example is nominations to governing bodies*

The Council's protocol is designed to support engagement in all partnerships meeting this definition. It is recognised that the Council is a member of a large number of partnerships and that they do not all carry the same level of risk. For this reason the level of governance and management processes applied to each partnership will vary.

Significant Partnerships

A significant partnership is one that is material in terms of the amount of money involved and/or the level or nature of service delivery concerned, in line with the Financial Regulations contained in the Council's Constitution.

The Cabinet and/or the Chief Executive, in accordance with standing orders, are responsible for approving the Council's participation in all significant partnerships/joint working arrangements with other public, private, voluntary and community sector organisations.

The Cabinet can delegate functions - including those relating to partnerships - to specific Members or Officers. These are set out in the Scheme of Delegation that forms part of the Council's Constitution. Where functions are delegated the Cabinet remains accountable for them to the full Council.

The Chief Executive, Members or other properly authorised individual will represent the Council on partnership and external bodies, in accordance with the Scheme of Delegation.

The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.

The Section 151 Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. In conjunction with the Monitoring Officer, he/she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He/she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

Chief Officers and Service Heads are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

If financial procedures or standing orders of a partner are being followed which are not consistent with the Council's regulations Cabinet approval must be obtained. However, legislation must be complied with regardless.

How to enter into a Partnership

Before entering into any partnership the Council will give consideration to its ability to contribute effectively to the partnership. The Council will be mindful of the resource implications of entering into any partnership, particularly for staff, finance and operational assets, and existing commitments. The Council should ensure that the objectives of the partnership are in line with their corporate priorities, and thereby the partnership will assist in the delivery of the Council's corporate priorities. The Council should not enter into any partnership, which requires an unbudgeted financial commitment from the Council, without seeking appropriate approval first.

Putting arrangements in place

Any partnership that the Council enters into must be clear on its purpose and the outcomes it is to deliver. The Council will ensure that all partnerships have in place robust performance management arrangements.

When entering into partnership arrangements the Council will ensure the following arrangements are in place:

- The partnership has an officer accountable for monitoring its performance;
 - Performance reporting takes place in agreed time frames and to an agreed body and/or partners;
 - The partnership has a sound evidence base to inform its objective, planning and target setting;
 - Objectives and outcomes to be delivered are formally reviewed and evaluated annually through an agreed process;
 - All partners can be clear on the outcomes being delivered by the partnership and the links to their own business or Corporate Plan priorities;
 - Each partner will ensure that their actions are embedded into organisational plans to ensure delivery and accountability;
 - Agreed action plans are reviewed and refreshed annually by all partners;
 - Action plans are supported by a Risk Register which is reviewed in agreed time frames and maintained by partners;
 - Partners share information to enable effective performance monitoring and option appraisal;
 - Data sharing is to comply with data quality and transparency requirements to ensure accountability;
 - Information is provided in formats that meet partner requirements;
 - There are mechanisms in place for performance management between all partners;
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- Findings are owned and acted upon;
- There are clear channels and processes in place to ensure accountability;
- Arrangements are in place to tackle issues of non and/or poor performance, and;
- All partners can evaluate at any time the added value of being a member of the partnership and the performance and outcomes being achieved by it. Performance can be challenged through agreed processes.

For **Points to consider when Setting-up a partnership**, see [Appendix 1](#)

Further advice in relation to performance can be sought from the **Performance & Change team**.
 Further advice in relation to risk management can be sought from the **Risk Management team**.
 Further advice in relation to legal issues can be sought from the **Legal Services team**.

What needs to be done when a partnership is in place?

Register

The Council will maintain a database of all partnerships it is involved in. This will contain details of the Council's representatives in the partnership, the Council's contribution, name of lead organisation, resources committed by the Council, risk register, and will be held by the Democratic Services and Chief Executive's Support Manager. For **Partnership Registration Form** see [Appendix 2](#)

Evaluation

The Council will evaluate each partnership to assess the risks and rewards to the Council and local communities, including legal issues, insurance, implications arising from the Councils Constitution, the Councils own processes and applicable protocols, financial regulations, issues of partnership procurement and whether the benefits from the partnership are likely to justify the costs involved in membership.

Performance Management

The Council will ensure that agreed partnership involvement, activity and outcomes are part of the Councils performance management systems, and thereby the effectiveness of specific partnerships are monitored and reviewed as part of the Councils performance management framework.

There are three key elements to ensure effective performance management across partnership working; a joined up evidence base, effective delivery planning and accountability.

Evidence base

In order for the partnership to identify common goals and work towards shared objectives, priorities and targets, there must be an agreed and shared evidence base to work from.

Partnerships should , as is proportionate and appropriate:

- a) Agree data sets
 - b) Identify data for different purposes
 - c) Share definitions for measures
 - d) Mapping communities to understand community need (e.g. equality, deprivation)
 - e) Ensure data quality
 - f) Note the importance of perception data
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Effective delivery planning

To deliver shared objectives and targets, effective delivery plans must be in place. For example, action plans may be developed for specific objectives or working groups. All action plans must be SMART (specific, measurable, achievable / agreed, realistic / results focused and timely) with resources (people and funding) clearly allocated.

Effective planning work will identify areas of duplication, waste and areas for shared working.

Risk Management

The risk exposure for each partnership will be assessed to help to determine the level of risk monitoring a partnership will need to undertake. Prior to entering into a Partnership, the risks associated to the Council should be assessed to ensure the level of exposure is acceptable.

In a partnership environment, risks should be assessed and managed both from the perspective of the partnership and of each member partner.

The Partnership Manager will undertake the following steps at the commencement of the Partnership:

1. Using the partnership's objectives, agreement, memorandum of understanding etc., undertake an initial risk identification exercise to understand both the barriers to achieving the partnership's objectives and any potential opportunities. Guidance can be found in the Council's Risk and Business Continuity Handbook.
2. Record the risks on a risk register. For each risk identified, complete all sections of the register:
 - i. Cause, event and impact.
 - ii. Risk Owner.
 - iii. Inherent, actual and residual risk scores.
 - iv. Mitigating actions and controls.
 - v. Action owners and estimated completion dates.
3. Routinely (depending on the partnership governance cycle and level of risk exposure) each Risk Owner should review and update their risks. The Action Owner should update progress on the actions.
4. In line with the partnership's governance approach, high risks or risks causing concern should be reported to the Partnership Board. Risk should be a standing agenda item at Partnership Board and Team Meetings.

Equalities

The Council will ensure that any partnership arrangement it enters into meets the statutory requirements outlined in Equalities Legislation. The Council must ensure that Equality Impact Assessments are undertaken in relation to the functions and activities of the partnership as is appropriate and proportionate.

Auditing and Scrutiny Arrangements

The auditing and scrutiny arrangement for a partnership should be clear. The Council must ascertain where responsibility for these functions lies. This is particularly important if a partnership manages or allocates resources of its partners through any pooled or

alignment arrangements. These arrangements should be clearly referenced in any partnership agreement or terms of reference agreed.

Resources

Before entering into any partnership, the Council will give consideration to its ability to contribute effectively to the partnership. The Council will not enter into any new partnership where it considers it cannot fully and effectively contribute to its success. The Council will be mindful of the resource implications, particularly for staff, finance and operational assets, existing commitments and its corporate priorities in taking decisions on new partnerships and extending existing partnerships.

Information Sharing

The Council's Data Protection Policy will generally apply where Council business is concerned.

The Council will seek to secure an Information Sharing Protocol within a partnership and between partnership organisations. The Council will also have regard to any existing Data Sharing Statements that may have been agreed through the Northamptonshire Partnership.

Communications Strategy

Each individual partnership should adopt a communications strategy specific to the work of the partnership and in agreement with partners. Where appropriate, one organisation should be identified as the lead agency for partnership communications. The lead agency will be responsible for ensuring liaison with the communications functions within other partner organisations.

Consultation arrangements

A partnership may wish to undertake consultation, for example, on an issue or to help identify priorities. The Council will endeavour to ensure that any consultation programmes and publicity exercises for the Council, its partnerships and its partners are co-ordinated as effectively as possible. All partners may have their own consultation standards and it may therefore need to be agreed collectively how consultation activity is conducted. Refer to the NBC Consultation toolkit for support and advice on approaches and methodologies.

Reviewing Partnerships

Checking the viability and validity of continuing with any partnership must be reviewed on a regular basis as part of the ongoing service planning process.

The review process will either approve the continuation of the Council's involvement in the partnership, or propose that the Council withdraws.

If the proposal is to withdraw or end, the partnership Exit/Succession Strategy will then be referred to.

If the outcome is to continue with the partnership working, no further action is necessary.

Exit/Succession Strategy (When and How to leave a partnership)

Annual reviews should be undertaken where consideration to continue or cease with existing arrangements should be considered. Partnerships should have an Exit Strategy in place once agreement to withdraw has been given by the appropriate body.

Roles of Councillors and Officers

The Council will be represented on any agreed partnership by specified Councillors or officers. Each partnership that the Council is represented on will be allocated a sponsoring officer who (usually a Head of Service), although they may personally not be the representative on the partnership, they will be responsible for ensuring the delivery of this protocol in respect of the relevant partnership.

Any specified officers or Councillors attending approved partnerships will represent only the Council and no other organisation, unless by specific agreement of the Chief Executive (for officers) or the Leader in consultation with the Chief Executive (for Members). They shall abide by their respective Council Codes of Conduct at all times.

The terms of reference for any Council representative will include requirements for them to:

Act on behalf of the Council within specific parameters;

Ensure activities are coordinated across the Council to meet the Council's commitment to the partnership;

Seek agreement with Corporate Management Team/Head of Service or, if the Constitution requires it, the Council, for any new resources not already agreed or budgeted for.

Representation on any partnership does not permit any officer or Councillor to commit the Council to use resources not contained within approved budgets nor to act as a public spokesperson for the Council.

Legal Services can provide any necessary advice and guidance to its representatives on partnerships regarding potential liabilities for them and the Council, and on their responsibilities and accountabilities.

Appendix 1

Points to consider when Setting-up a Partnership

General

- Does the Council have the legal power to enter into the partnership arrangement?
- Is there any law or other provision that prevents the Council from entering into the partnership arrangement?

Written Agreement / Governing Document

All partnerships that the Council participates in must have a written agreement or governing document in place. It is necessary to have such a document to ensure that there is a shared understanding amongst partners about the purpose, aims and objectives of the partnership and about membership and accountability. It is important to appreciate that there is no single form of document that will be appropriate for all kinds of partnerships.

- Will the agreement take the form of a legally binding document or have the status of a statement of intent, memorandum of understanding or protocol? *(It should be noted that this Protocol is not applicable to contractual partnerships).*
 - The main components of the agreement should:
 - Make the status of the partnership clear;
 - Include the Terms of Reference of the partnership (ie. the purpose of the Partnership and what it will do);
 - Define how the partners will work together; and
 - Set out the responsibilities of each of the partners.
 - Other factors for consideration for inclusion in the agreement:
 - What powers will the partnership have?
 - Constitution of the Partnership:
 - What Council representation in the partnership will be required / is appropriate?
 - Officer representation?
 - Member representation?
 - Identification of substitute representatives?
 - How will the other partners be represented?
 - How will the partnership make decisions?
 - Will there be a partnership Board?
 - How will it make decisions? Eg. by simple majority vote, casting vote by chair?
 - Membership? Identity of Chair, secretary etc?
 - Will membership be reviewed? Any time limits on membership?
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- Frequency of meetings?
 - Quorum?
 - Recording and distribution of minutes.
- Financial arrangements?
- Risk Management arrangements?
- How / when will the work of the partnership be reviewed?
- What mechanism will be used for dispute resolution?
- What provision is there to enable the Council to exit the partnership (in relation to both a planned and unplanned exit)?
- Have the potential liabilities of the partnership and the Council (if any) been identified?
- Is a mechanism to deal with complaints necessary?
- Is there a need for an information sharing protocol?
- Has equalities legislation been considered?
- What provisions will be included to enable review/variation of the agreement itself over time?

This list is not exhaustive. The content of the agreement will depend upon the status of the agreement itself and the partnership in question. Further, not all of the considerations listed above will be relevant to all types of partnership.

Delegated Powers

Will the persons representing the Council need delegated authority to take decisions on behalf of the Council? Do such people have the necessary delegated powers?

Legal Services should be contacted for advice in relation to all legal and governance issues.

Appendix 2
NORTHAMPTON BOROUGH COUNCIL

PARTNERSHIP REGISTRATION FORM

This form needs to be completed for all partnerships that the Council is involved in, whether the Council is the lead authority or a member.

Once completed the form should be sent to the **Democratic and Chief Executive Services Manager** where it will be logged on the Council's Partnerships Register. A copy of this form should also be kept by your department.

SECTION 1 – DETAILS OF PERSON COMPLETING THE REGISTRATION FORM.

Name:	
Title:	
Directorate:	
Extension :	
Role in the partnership: (E.g. representative, chair, sponsor or manager)	

SECTION 2 – DETAILS OF THE PARTNERSHIP

Name of Partnership:	
Role of the Council:	Lead Member: Yes/No Representative: Yes/No Other (please describe):
Representatives- Councillors- how many and who: Officers- how many and who:	
Contribution of the Partnership towards the Council's Corporate Plan <i>(Please list those elements of the Corporate Plan to which the partnership contributes. Use the terminology used in the Corporate Plan)</i>	
List other partners and Name of Organisation Leading the Partnership	

<p>Resources committed to the partnership.</p> <p>Financial (<i>how much and in what form e.g., grant, diversion of existing budgets etc</i>)</p> <p>Officer resource (<i>who and estimate time</i>)</p> <p>Other (<i>including in kind such as administrative support, office accommodation, postage, photocopying, printing or equipment such as computers</i>)</p>	
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SECTION 3 – RISK ASSESSMENT

<p>Does the Partnership have a risk register? If not, please state why</p>	
<p>Who is responsible for managing risk for the partnership?</p>	

Signed.....

Date.....