

DARTFORD

BOROUGH COUNCIL

CODE OF PRACTICE FOR EFFECTIVE JOINT WORKING ARRANGEMENTS



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PARTNERSHIP TOOLKIT

Appendix 1	Partnership Significance Assessment Scorecard
Appendix 2	Partnership Business Case Checklist
Appendix 3	Partnership Governance Framework for 'major' partnerships
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1. Introduction

- 1.1 Joint working is playing an increasingly important role in public sector service delivery. The Council is fully committed to joint working because it recognises the strength and value of effective joint working arrangements in contributing to the improvement of the well-being of the Borough's communities. The Council encourages joint working wherever benefits can be demonstrated.
- 1.2 The benefits of effective joint working include making service users the focus of planning, commissioning and delivering services. Joint working has the potential to deliver value for money through ensuring available resources are used economically, efficiently and effectively. It can also lead to added value by achieving something more than the Council could do by working alone.
- 1.3 The Council's corporate governance (i.e. the framework of accountability to users, stakeholders and the wider community within which the Council takes decisions and meets and controls its functions to achieve its objectives), supports joint working.
- 1.4 Given the significant increase in joint working and the subsequent increases in formalised joint working arrangements, this Code and the supporting Toolkit have been developed to ensure that where the Council enters into joint working arrangements, it will do so with sound governance in place, but within a flexible, efficient and robust approach to such an arrangement.

1.5 This Code:

- outlines the principles of effective joint working governance;
- identifies why the Council enters and engages in joint working;
- details how joint working arrangements should be managed, supported and reviewed.

The supporting Toolkit ensures that for each partnership:

- the Council is clear about its purpose and expected outcomes;
- the Council's own agreed priorities and objectives are being met;
- there is clarity about accountability and responsibility for outcomes;
- partnership activity and outcomes are monitored, reviewed and evaluated to make best use of resources;
- risks for the Council, and for the partnership, are assessed and agreed;
- each partnership maintains a relevance to its agreed purpose during its lifespan and has in place an effective exit strategy;
- reviews are undertaken to evaluate success and further challenge progress and improve governance.

1.6 Sharing this Code with prospective partners may prove useful in developing joint working arrangements.

1.6 For the purposes of this Code, the term 'partnership' is to be interpreted in different ways – the term is to be used interchangeably with collaboration, coalition, shared services and joint working.

2. What is a partnership?

2.1 The term partnership can encompass a wide range of collaborative arrangements. A partnership is a joint working arrangement where the partners:

- 2.1.1 are otherwise independent bodies;
- 2.1.2 agree to co - operate to achieve a common goal;
- 2.1.3 create an organisational structure or process to achieve the partnership's outcomes;
- 2.1.4 plan and implement a jointly agreed programme, often with joint staff and/or resources;
- 2.1.5 share relevant information and pool risks and rewards.

2.2 Partnerships vary in size, service area, membership and function. This Code covers all those partnerships in which the Council is involved where the partners have been charged with developing specific strategies or plans and are 'held to account' for the delivery of those strategies or plans. In addition, these partnerships might also be responsible for delivering key initiatives to realise improvements in quality of life outcomes and might also come under some form of audit/inspection regime. This Code applies equally to Government initiated 'statutory' partnerships as well as nationally required and/or locally determined 'non-statutory' partnerships. It does not cover contractual/joint committee and professional networking arrangements.

2.3 It is important to note that this Code does not cover every partnership - the following list provides examples of arrangements, which are not covered:

- goods, services and works contracts (contractual arrangements)
- partnering agreements (contractual arrangement)
- partnership frameworks (select list);
- community partnerships (involving funding);
- joint strategy partnerships (no formal contract but joint objectives to deliver);
- regeneration/highways partnerships to deliver joint objectives (no formal contract);
- accountable body relationships;
- commissioning partnerships (contractual arrangement);
- LSP and commissioning bodies for LAAs;
- Regional/sub-regional partnerships;
- Strategic service partner (contractual arrangement);
- PPP/PFI and joint ventures (contractual arrangement);
- service level agreements;
- working groups or networks to share best practice;
- appointments and/or financial commitments to outside bodies, where the Council has no strategic or policy function (e.g. where the Council provides grants and requires a place on the outside body's board);
- consultative groups;
- 'commercial partnerships' with a view to making a profit, which are subject to the Partnership Act 1890;
- joint committees;
- joint waste authorities.

3. Benefits of working in partnership

Partnerships should, ultimately, improve the quality of services being provided to Dartford's citizens and should achieve outcomes for communities which individual agencies/bodies may not be able to achieve on their own. Partnerships should have one or more of the following aims:

- improve service delivery through better co – ordination, especially where services are provided by a range of organisations;
- improve the quality of people's lives;
- tackle complex and county-wide issues;
- facilitate and increase community engagement through improved information, consultation and participation;
- through community engagement, help to ensure that services are developed in alignment with customers' needs;
- stimulate more creative approaches to problems by bringing together people with different backgrounds, skills and assumptions and sharing risks and rewards more widely;
- wield greater influence than individual partners could achieve, thus enhancing the impact on other parties;
- tackle complex cross-cutting issues;
- reduce waste and/or duplication, pool resources and improve economies of scale;
- gain access to new resources;
- meet statutory or organisational requirements; and
- provide opportunities for learning from people in different organisations and with different perspectives.

4. Partnerships Register

- (i) The Chief Officer & Director of Corporate Services maintains an overview of the Partnerships Register which is a comprehensive record of the Council's involvement in all 'major' and 'minor' partnerships. All 'major' and 'minor' partnerships must be recorded in the Partnerships Register. The Register should be updated, following review of partnership arrangements.
- (ii) The purpose of the Partnerships Register is:
 - to allow the Council to monitor and evaluate its involvement in partnerships and identify potential risks and benefits;
 - to ensure that the partnerships it is engaged in, contribute to the Council's strategic priorities;
 - to ensure the partnerships align to quality of life outcomes;
 - to be a valuable reference point, when entering into new partnership initiatives;
 - to reduce the risk of duplication;
 - to ensure that appropriate reporting procedures are in place; and
 - to enable the Leadership Team to advise and guide on training for Members and Officers.

5. What constitutes a 'major' and 'minor' partnership?

- (i) The Council enters into many partnership arrangements. However, partnerships do not all carry the same level of significance and/or risk. The Council's partnership arrangements are categorised as either 'major' or 'minor'.

- (ii) 'The Council defines a 'major' partnership as one that:
- develops policy and manages resources which have an impact on the ability of the Council and other public sector organisations to deliver statutory services or duties;
 - assists the Council and partners to identify and deliver high level strategic priorities for the Borough e.g. the Local Enterprise Partnership designed to lead local economic development;
 - assists in enhancing community engagement through the Council's community leadership role;
 - assists in base planning and provision on holistic themes affecting the Borough, such as community safety, the physical and economic environment, health etc;
 - attracts significant additional resources e.g. through government regeneration funding streams;
 - pools resources or purchasing power to increase efficiency and effectiveness;
 - assists in delivering value for money in relation to economy, efficiency and effectiveness i.e. achieving equal or better outcomes for less expenditure;
 - has a high public profile;
 - is charged with developing specific strategies;
 - is 'held to account' for the delivery of strategies or plans;
 - is responsible for delivering key initiatives;
 - comes under some form of audit/inspection regime;
 - requires more stringent governance arrangements.
- (iii) A 'minor' partnership will considered to be all other partnerships falling outside the definition of 'major' partnerships in (ii) above.
- (iv) The 'major' and 'minor' partnerships are listed respectively, in sections 4.2 and 4.3 of Part 3 to the Council's Constitution. Partnerships may be re-categorised at any time, to reflect complicated or high-risk or other changing circumstances.
- (v) The Council's decision-making framework for approving the entering into a partnership arrangement is detailed in the Scheme of Delegations to Officers and/or Terms of Reference. Terms of Reference in Part 3 of the Constitution define the roles and responsibilities of the Council, Cabinet, Committees, Boards and Panels. Part 3 also contains the Scheme of Delegations to Officers. Reference should be made to the Scheme of Delegations to Officers and/or Terms of Reference to establish what level of decision making is appropriate for the type, nature and significance of any individual partnership proposed to be entered into.
- (vi) Partnership arrangements for 'major' and 'minor' partnerships should be reviewed annually as part of the annual review of the Partnerships Register.
- (vii) The Partnership Significance Assessment Scorecard at Appendix 1, provides a means for categorising the level of significance and/or risk of the partnership to the Council. A score of 0 – 49% will indicate a 'minor' partnership. A score of 50%+, will indicate a 'major' partnership.

6. Assessment, evaluation, streamlining, succession planning and termination

- (i) Successful partnerships are characterised by a shared vision or purpose, where all partners agree to modify their own activities and resources to achieve the overall partnership goal within new working arrangements.

Assessment

- (ii) Before entering into any partnership arrangement, the Council should consider whether it is in a position to contribute effectively to the partnership. The Council should 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 in extending existing partnerships.

When developing any new partnership arrangement, the following factors should be considered:

- does the partnership contribute to the Council's purposes?
 - does the partnership contribute to corporate priorities and objectives and help to achieve value for money?
 - does the Council need to be involved?
 - could another partnership provide either the same or similar function?
 - does the partnership have clear terms of reference?
 - is there an engagement and exit strategy?
 - is it a group with a specific task and a time limit?
- (iii) It is important to recognise that the establishment of some forms of partnerships, especially those with contractual or budget pooling characteristics, may need to be underpinned by a procurement process, as set out in the Council's Contracts Standing Orders. Where it is deemed beneficial to work in partnership with private contractors in order to deliver improved services, works or goods, forms of incentive can be incorporated into the contractual relationship. Often, this is referred to as 'partnership working' which covers the manner in which the client and contractor relate to each other and is about processes and behaviours which are in place, once the procurement process to appoint the contractor has been completed. As such, the spirit of this Code may help shape those arrangements.

Evaluation

- (iv) In entering into a 'major' partnership arrangement, the Council should consider, together with other partners, the lifespan of the partnership and the need to regularly review the purposes and membership of the partnership, to ensure it stays focussed on its purpose and remains relevant. The Council should also regularly review the continuing relevance of the partnership against its [the Council's] corporate priorities, particularly to ensure best use of resources etc.
- (v) As part of the annual review of the Partnerships Register, the Officer leading on each partnership arrangement should evaluate the partnership to assess the risks and rewards to the Council and local communities, including assessing the suitability of partners, legal issues, standards of financial regularity or conduct, insurance, issues of partnership procurement and whether the benefits from the partnership are likely to justify the costs involved in membership. The Partnership Business Case Checklist at Appendix 2, provides the means for testing the need

for the partnership and whether it is appropriate for the Council to enter into partnership arrangements.

(vi) A rigorous assessment of the risks and benefits involved can lead to one of the following decisions:

- withdraw from the partnership;
- allow another body to represent the Council's interests;
- set a time limit for involvement;
- remain involved; or
- remain involved, but at a different level e.g. as a watching brief or attendance when the agenda is relevant to the Council.

(vii) Partnership arrangements are referred to in the Council's Code of Corporate Governance. Partnerships must adhere to the Code of Corporate Governance in the absence of any statutory or other alternative provisions relating to them. Depending upon their nature, circumstances and size, the Code of Corporate Governance will be applied consistently but proportionately, to partnership arrangements.

(viii) The risks attached to partnerships and the links between corporate and partnership activities is considered in the Council's Annual Governance Statement and internal control issues highlighted if partnerships' activities fall into one or more of the following categories:

- the issue has seriously prejudiced or prevented achievement of a principal objective;
- the issue has resulted in a need to seek additional funding to allow it to be resolved or has resulted in significant diversion of resources from another part of the partnership;
- the issue has led to a material impact on the accounts;
- the Section 151 Officer has reported on it as significant in the annual opinion on the internal control environment;
- the issue or its impact, has attracted significant public interest or has seriously damaged the reputation of the partnership; or
- the issue has resulted in formal action being taken by the Section 151 Officer and/or Monitoring Officer.

(ix) Partnerships can often be set up as a result of central government initiatives and funding is usually by way of a grant for, say three or four years. Upon cessation of grant funding, the government may expect agencies to mainstream these services into their normal day-to-day business. Therefore, the Council should be fully aware of any potential funding shortfalls. If the partnership has a short life span based on available funding, it should not be led to expect that the Council will continue to match the costs in order to maintain the work, if this is not possible.

Succession planning

(x) Many partnerships will reach a point where their purpose is complete, where alternative arrangements are needed, or where the need for the partnership is redundant. The Council should seek to ensure that succession strategies are in place or developed for such eventualities and/or to address sustainability issues e.g. different partners may be needed for different stages of any scheme/initiative/programme.

Termination

- (xi) The Council should ensure that exit strategies are in place, for situations where it wishes to withdraw from a partnership for corporate and/or strategic reasons etc.
- (xiii) A decision to terminate partnership arrangements may be based on one or more reasons, which include:
 - not delivering the outputs and outcomes it was set up to do;;
 - need to be combined with another partnership;
 - change in circumstances or priorities;
 - floundering with no clear direction;
 - adverse level of risk of continuing the partnership is identified;
 - external funding sources cease;
 - has achieved its goals and is no longer needed in that particular form.

7. Partnership governance arrangements

- (i) The different roles that the Council can play in partnerships needs to be understood. Which role the Council plays can have a significant impact on the responsibilities and liabilities of the Council.
- (ii) Partners need to bring clarity to the governance of their collaboration. This requires agreement among them about purpose, membership and accountability. Partners should be clear whose interests they represent and how they will handle disputes.
- (iii) A one size fits all approach to governance is inappropriate in partnership working. Governance arrangements must be proportionate to the risks involved. The governance of partnerships should promote good internal accountability between partners and better external accountability to service users.
- (iv) No single form of governing document is appropriate for all kinds of partnership. Each partnership must decide for itself what it needs, taking due account of any legal requirements. Each governing document must set out its main procedures clearly and unambiguously.
- (v) 'Major' partnership arrangements should have a governing document or partnership agreement, but this does not need to be over complex or anticipate every eventuality. In the absence of formal governance arrangements, responsibility for supporting the governance of a partnership, falls to partners' own corporate governance mechanisms.
- (vi) The resulting partnership agreement may comprise a short document or something more substantial, depending on the nature of the partnership in question and the complexity of the issues raised by it. The Partnership Governance Framework at Appendix 3, provides a tool to help develop new 'major' partnership agreements, review existing 'major' partnership arrangements or develop constitutions for 'major' partnerships. This Appendix gives guidance on the areas that would be expected to be covered by a 'major' partnership

agreement. The Model Memorandum of Understanding at Appendix 4, provides an example of best practice.

In addition, where a procurement exercise is required to select a partner, then specific forms of contract developed for the purpose of partnership working, should be considered. Refer to the Council's standard suite of procurement documents on the Intranet.

(vii) 'Minor' partnerships should, as a minimum, have the following elements referred to in their governance arrangements:

- partnership's name;
- duration of partnership;
- aims and objectives;
- lead partner;
- accountable body;
- membership, including status of different members and termination of membership, schemes of delegation;
- powers;
- roles;
- income/expenditure;
- meetings; notice and frequency of meetings; quorum rules; chairing arrangements; voting arrangements; and representation of other members;
- decision-making processes (scope and timescales);
- minutes;
- confidentiality;
- amendments to partnership's governance;
- insurance and risk sharing provisions;
- business continuity arrangements;
- risk management arrangements;
- insurance arrangements;
- data protection and freedom of information;
- complaints and redress;
- conduct provisions;
- performance monitoring; and
- exit strategy/arrangements for dissolution.

(viii) The Council should have the following arrangements in place for 'major' partnerships and these should be considered as part of the annual review of the Partnerships Register:

- review of their financial performance in respect to adherence to budgets and any other financial targets;
- review of delivery of the partnership's objectives (performance management backed up by reliable, high quality performance data);
- review of outputs (to ensure that the partnership represents value for money);
- review of the adequacy of reporting arrangements to the partners.

The work and achievements of some of the Council's partnerships are also reviewed by the Council's various committees. For example, the Community Safety Partnership is reviewed by the Crime and Disorder (Overview and Scrutiny) Committee.

(ix) Throughout the planning and implementation stages of 'major' partnership arrangements, careful consideration should be given to limiting potential liabilities

for the Council. Examples of liabilities include infringements of legislation by staff or members of the partnership, contraventions of HM Revenue and Customs rules by paying staff from petty cash, personal liability of Officers and Members and the requirement for the Council to indemnify against any actions of a partner (or partnership).

8. Legal basis for partnership arrangements

- (i) Partnerships are often between local authorities, but can include NHS Trusts, transport companies or other private enterprises. Grants may cover capital costs, running costs, or both. The partnership will generally not be a separate legal entity. As a result, the partnership's working relationships and the governance arrangements are reflected in a partnership agreement or other protocol.
- (ii) A separate legal entity is established when the partners decide to deliver a project via a corporate body such as a company limited by guarantee, or formal partnership. The requirements of the Companies Act 1985 and the Charities Act 2006 may need to be considered.
- (iii) Various legal powers for statutory and non-statutory partnerships are outlined below. This list is merely illustrative and not exhaustive:
 - Crime and Disorder Act 1998 – community safety and crime prevention – community safety partnerships;
 - Local Government Act 1972 (s111¹) - subsidiary powers for a local authority to do anything, including incurring expenditure, borrowing or lending money or acquiring or disposing of any property or rights, which helps it to discharge its functions;
 - Local Government Act 1972 (s113) – power to enter into an agreement with another local authority for the placing at the disposal of the latter, for the purposes of their functions on such terms as may be provided by the agreement, of the services of officers employed by the former;
 - Local Government Act 1999 (s3) - places a duty of best value on local authorities to make arrangements to secure continuous improvement in the way in which they exercise their functions, taking account of economy, efficiency and effectiveness;
 - Local Government Act 2003 – trading and charging powers;
 - Children Act 2004 – planning and commissioning of services through partnership arrangements between local authorities and key agencies;
 - Civil Contingencies Act 2004 – support and delivery of civil contingency, through partnership arrangements between county councils and district councils;
 - Localism Act 2011 – general power of competence (GPoC) (see explanation in (iv) below).
- (iv) The GPoC is generally seen as a 'topping up' power but with limitations on local authorities' powers. The 'general public law constraints' such as the specific financial safeguards put in place/monitored by the s.151 officer, the Accounts and Audit (England) Regulations 2015, the duty to balance the budget annually (Part 2 of the Local Government Act 2003) and the prudential borrowing code

¹ Because of the restrictive interpretation adopted by the courts, the operation of this provision has its difficulties - further, with the general power of competence [Localism Act 2011], and the trading and charging powers (LGA 2003), reliance upon Section 111 is likely to be minimal

(under Part 1 of the same Act) continue to apply. Where prior legislation contains a specific prohibition, it cannot be overcome by the GPoC.

- (v) The Officer responsible for the partnership arrangements should consider whether authority/approval is required to enter into a partnership arrangement²: consider whether this authority should be granted by the General Assembly of the Council (GAC) or Cabinet, or whether authority to enter into the arrangements has been delegated to Officers under the Scheme of Delegations to Officers.

9. Risk management

- (i) Effective risk management is a 'discipline for dealing with uncertainty' and is one of the principle elements of good corporate governance, concerned with both the positive and negative aspects of risk and comprises a framework and process to enable a partnership to manage uncertainty in a systematic, effective and efficient way.
- (ii) There may be organisational risks regarding partnership activities (strategic) as well as risks in the partnership itself (operational) and it is important that both types of risk are understood and managed.
- (iii) Prior to deciding to enter into a partnership, the risks to the Council should be considered using the Key Partnership Risk Areas guidance (Appendix 5) The guidance should be used to support the development of the partnership and the mitigation plans should be clearly understood by all involved in the process. This approach is particularly relevant when the Council is:
 - the lead authority;
 - working directly with partner organisations (agreeing contracts, service level agreements, managing/monitoring performance or working together to deliver services);
 - serving on partnership boards or management teams.
- (iv) If the Council is not the lead body, the Officer leading on the partnership arrangements, should ensure that minimum standards of risk management are in place.
- (v) Risks should be understood and evaluated at all stages of 'major' partnership development and during the life of the partnership.
- (vi) When the decision to enter into a 'major' partnership has been made, the relevant Director should ensure that the partnership's governance arrangements include effective management of risk and that the risks associated with the partnership are recorded on the Council's Risk Management Register.

10. Council representation on partnerships

- (i) Care should be taken to ensure that the Council is represented at an appropriate level, i.e. by a Councillor and/or an Officer. Representation will depend upon the role to be fulfilled. It may be appropriate for the partnership to have two levels of

² Authority/approval to enter into partnership arrangements is separate and distinct to delegated authority to execute/sign the partnership agreement

representation: a strategic level involving Councillors and an operational level, involving Officers.

- (ii) Councillors and Officers involved in partnership arrangements must bear in mind that acceptance of a role as a charity trustee or company director (even if accepted as part of their work for the Council), is a responsibility personal to them. There will be responsibilities to the Charity Commission and/or company law, which must be fulfilled. Under charity and/or company law, a trustee's/director's first duty is to the charity/company, which may give rise to a conflict of interest between the work of the charity/company and the Council.
- (iii) The Council may be represented on any agreed partnership by named Councillors and/or Officers.
- (iv) Councillor and Officer representatives will at all times, abide by their respective Codes of Conduct.
- (v) The terms of reference for Council representatives is as follows:
 - act on behalf of the Council within specified parameters;
 - ensure activities are co-ordinated across the Council to meet the Council's commitments to the partnership;
 - seek agreement from the Cabinet/GAC, for any new resources not already agreed or budgeted.
- (vi) Councillor representatives on a partnership have no mandate to sign any contracts or enter into any binding obligations on behalf of the Council. Only duly authorised Council Officers have power to sign documents of this nature, under the Council's Scheme of Delegations to Officers. Councillor and Officer representatives on a partnership will not provide financial, technical, or legal advice to the partnership. The partnership should satisfy itself that such advice is independently available and ensure that it arranges indemnity insurance as appropriate, details of which should be provided to Financial Services.

11. Performance management and partnership monitoring

- (i) Establishing a means of reviewing how well partnerships help to achieve statutory and/or corporate objectives and identifying what resources are committed to partnership working or of evaluating the costs and benefits from working in partnership, are particularly important.
- (ii) Performance management across the Council's partnerships includes:
 - monitoring of use and management of resources, changes in priorities, inputs, outputs and outcomes through Pentana (the Council's performance management system), thereby ensuring that the continuing effectiveness of the partnership is properly, consistently and corporately monitored and reviewed;
 - target setting through the continuous performance review system for staff;
 - use of SMART action plans, targets and local and national indicators;
 - overview and scrutiny of partnerships;
 - links between priorities, objectives and targets through the Corporate Plan and Service Plans.

- (iii) As part of the review of the Partnerships Register, the Leadership Team conducts an annual review of the appropriateness of Officer representation on partnerships to ensure that the Council is represented by the right person at any given time, matching skills with needs. Councillor representation on partnerships is reviewed at the Annual Meeting, or, in year, by the Cabinet or the GAC.
- (iv) Partnership governance and activity is the responsibility of Directors, with particular emphasis on:
- ensuring that partnerships are supported by suitably skilled Officers of sufficient number so that partnerships' aims and objectives can be delivered successfully;
 - recommending key targets and milestones and ensuring effective project management at all times;
 - ensuring that good practice standards on governance and accountability are followed and reporting on any breach of standards;
 - assessing and reporting on any slippage or new risks arising;
 - agreeing and regularly reviewing protocols and governing documents with all partners;
 - telling service users and the wider public about how key partnerships work, where responsibility and accountability lies and how redress can be obtained through joint complaints' procedures;
 - reviewing partnerships at regular intervals to strengthen accountability, manage risks, rationalise working arrangements and ensure that they are effectively meeting the purposes for which they were created;
 - taking hard decisions to scale down involvement in the partnership, if the costs outweigh the benefits, or if the added risks cannot be managed properly;
 - ensuring, in consultation with the Monitoring Officer, the maintenance of high ethical standards;
 - arranging for the assessment and development of the skills of Councillor and Officer representatives and providing suitable training to ensure all roles can be carried out effectively;
 - reviewing governing documents regularly and where necessary, seeking amendment.

12. Financial management

- (i) Generally, if no finance is directly involved then, in most circumstances, this section of the Code may be dispensed with. However, if there is the possibility of Council funds, services and/or other resources being committed to the partnership, then the implications of this must be considered e.g:
- ensure budget implications and formal approval to incur expenditure against the commitment;
 - ensure budget monitoring arrangements and reporting are agreed; and
 - ensure the partnership arrangements establish a mechanism for dealing with overspends and underspends.
- (ii) Effective stewardship of public resources is as important in partnerships as in corporate bodies, where numerous controls promote accountability and prevent fraud and mismanagement.
- (iii) The principal governance issues in financial management are:

- a. establishing adequate systems of financial control and monitoring within partnerships;
 - b. setting strategic direction for some partnerships where the availability of resources drives the agenda rather than community needs;
 - c. ensuring that there are sufficient financial and human resources to enable the partnership to operate effectively.
- (iv) Where a partnership requires a financial commitment from the Council, the following should be satisfied and agreed by the Section 151 Officer (or nominee):
- Budget availability to fund partnership commitment;
 - Pending approvals within the partnership;
 - Budget monitoring arrangements;
 - Arrangements to deal with over/under spends;
 - VAT arrangements;
 - Documentation retention in respect of external inspections.
- (v) VAT is a complicated area and advice must be sought from Financial Services. Without proper adherence to VAT legislation, the partnership may find that its funding is less than expected and if VAT rules are not followed, this may result in the payment of interest and penalties.

13. Accountable Body

- (i) Accountable Body status can only be granted to an entity which:
 - is a 'legal personality' e.g. a company registered at Companies House or a local authority;
 - has been nominated to act on behalf of the partnership;
 - is capable of meeting legal obligations.
- (ii) An Accountable Body may be the partnership itself (if it has formed a company limited by guarantee), or one of the members of the partnership, acting on behalf of the other partners.
- (iii) Where projects are funded by grants, the funding body normally requires that one of the partners takes on the role of Accountable Body.
- (iv) If the Council takes on the role of Accountable Body, it 'cash flows' or 'bankrolls' the project, pending receipt of the grant. This represents a risk to the Council in the event of the project incurring costs, which are not reclaimable from the grant funding body.
- (v) The Accountable Body's role is to act on the partnership's decisions. In addition, the Accountable Body may be required to:
 - administer and take responsibility for funding (e.g. ensuring structured financial procedures);
 - provide resources (e.g. staff facilities) to carry out the obligations of the partnership;
 - ensure that the grant allocated is spent in accordance with the grant funding body's conditions and the agreed partnership plan;
 - establish and maintain effective systems for auditing and monitoring partnership spend.

- (vi) In principle, the Council may consider being the Accountable Body, subject to a risk assessment of the responsibilities applying to being an Accountable Body and prior approval of the Section 151 Officer (or nominee).

14. Lead partner

- (i) From the outset, it will be essential to consider who is to become the lead partner. This is particularly important with regard to financial matters. Even with shared spending decisions, a lead partner must be nominated. The lead partner will be responsible for the day-to-day accounting functions, including the production of the appropriate financial statements. It should be noted that the lead partner is not necessarily the Accountable Body.
- (ii) As lead authority in a partnership arrangement, the Council must ensure compliance with the requirements of grant funding bodies.

15. Grants

- (i) Quite often, grants form the main funding for partnership arrangements and the terms and conditions of those grants, including document retention, must be clear.
- (ii) It is important also, to consider who is to become the Accountable Body (section 12 above) and the possibility of mainstreaming the service, should the service continue beyond the grant funding period. It is also necessary to avoid the potential claw back of any grant monies.
- (iii) Invariably, partnership arrangements are often set up as a result of government initiatives, and funding is usually by way of a grant for, say, three or four years. Upon cessation of the grant, government often expects local authorities or other organisations to mainstream these projects (if evaluation indicates successful outcomes) into its normal day-to-day business. The Council must be fully aware, therefore, of any potential funding shortfalls, loss of assets, etc.

16. Employment and secondment of staff

- (i) When employing staff both part-time and full-time, there are many issues, which need to be handled carefully. It is therefore essential that Human Resources is consulted at the outset.
- (ii) When a partnership (which is not a legal entity) 'employs' staff, one partner should act as the 'employer'. This should be detailed in the partnership agreement and confirmation should be obtained from the 'employer' that their insurances extend to cover the actions of the 'employee' in connection with the partnership.
- (iii) Where the Council is to be the 'employer', then the Council's Human Resources policies and procedures must be followed (e.g. recruitment and selection) and the 'employee' will be required to comply with the Council's policies and procedures.
- (iv) Where Council staff are deemed as an 'in-kind contribution' from the Council to the partnership (which is not a legal entity) and to those contributing as part of their duties, a clear agreement needs to be drawn up between the Council and

the partnership, clarifying the line management arrangements and the services to be provided by Council staff.

- (v) In the case of volunteers, a lead organisation or body must be appointed to take responsibility for matters such as insurance, training and support, as well as being overall legally responsible for the activities and management of any volunteers.
- (vi) Security checks with the Criminal Records Bureau must be carried out by the 'lead employer', where employed and volunteer staff work with children and vulnerable adults and appropriate safeguarding policies must be in place.
- (vii) In the case of seconding staff to the partnership, a clear agreement must be drawn up between partner organisations. Secondment agreements can be complex and give rise to liabilities – advice must be sought from Human Resources in the first instance.

17. Audit requirements

The partnership arrangements must provide both internal and external auditors with full rights of access to documents. The following wording is suggested:

'The Council's auditors (external and internal) may conduct audits at any time in accordance with any relevant statutory powers. The partnership will ensure that auditors are given access at all reasonable times to premises, personnel, documents and assets, which the auditors consider necessary for the purposes of their work.

The partnership will ensure that auditors are provided with any information and explanations that they seek in the course of their work.

The Council will use its reasonable endeavours to ensure that the conduct of any audit does not unreasonably disrupt the partnership or delay the provision of its services.'

18. Document retention

Responsibility for holding documents must be agreed between the partners and for that party to be aware of the legal requirements for retention. Responsibility for the ownership of documents at the end of the partnership, must also be agreed.

19. Information sharing and data quality

- (i) Information is an asset and it is important that responsibility for information is assigned and appropriate controls are put in place. This section of the Code only applies to partnership arrangements, which involve the sharing, storing, generating, analysing or collecting of information.
- (ii) The Data Protection Officer provides guidance on legal compliance with the Data Protection Act 2018 and the UK GDPR (derived from the General Data Protection Regulation (EU) 2016/679)) and information sharing arrangements.
- (iii) The Head of Legal Services provides guidance on legal compliance with the Freedom of Information Act 2000 and copyright.

- (iv) The Chief Officer & Director of Corporate Services is Senior Information Risk Officer and in consultation with the Head of IT and Transformation, provides guidance on:
- software licensing, databases;
 - records management - creating an inventory, managing the lifecycle of records from creation to disposal;
 - security - classification of information including risk management, business continuity; and
 - the Council's ICT Technical Strategy.
- (v) Officers should ensure that before sharing personal information with partner organisations in Kent & Medway, that they are signatories to the Kent & Medway Information Sharing Agreement. Sharing must comply with the Agreement. Entering into other information sharing agreements with partner organisations outside Kent & Medway, or with national organisations is acceptable, providing every effort is made, to ensure, so far as practicable, that those agreements do not conflict with the requirements of the Kent & Medway Information Sharing Agreement.

20. Communication in a partnership setting

- (i) All partners should have a role in communicating and implementing partnership plans. Good communication of decisions and actions is required for the partnership to succeed. It should also be clear what information is available to whom and when, through the life of the partnership.
- (ii) The Council should 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. The Council is committed to ensuring that when it communicates (either directly or through partnerships), this communication is appropriate, professional and done in a way that represents value for money.
- (iii) Advice should be sought from the Council's Senior Communications Officer on marketing, press releases and other media issues.

21. Branding and identity

- (i) The Council's brand of creativity and innovation should be embedded into all partnership work. Promotion of how the partnership is contributing to the overall Council brand should be considered and used as appropriate.
- (ii) Some partnerships require a new identity to establish it as separate from the organisations within it. If this is the case, then the Council's established identity elements of font, colours and logo should be used. More information is available from the Senior Communications Officer.

22. Overview and scrutiny

The Council's overview and scrutiny committees (Policy Overview Committee, Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee) as appropriate, may, within their Terms of Reference and Protocols, undertake scrutiny/review of partnership arrangements. The law requires Community Safety Partnerships and NHS partners to co-operate with the overview and scrutiny process.

23. Engagement and consultation

- (i) The Council has a statutory duty to consult on specific areas of service delivery and is committed to extending its consultation beyond any statutory requirements. The Council has adopted a Consultation and Engagement Strategy, which sets out the principles of community engagement.
- (ii) A key objective to an inclusive community focused framework is initially to build community capacity to participate in partnership working and then to continue to develop capacity to assist in delivering outcomes, for example:
 - good levels of contact and contribution from all parts of the local community;
 - increase in the level of community involvement to a point where the community leads the partnership and the statutory and voluntary bodies respond to the emerging needs;
 - partners pooling budgets and resources to communicate with the wider public;
 - carrying out a wide ranging consultation as the basis for planning partnership working;
 - using area-based approaches as a vehicle for consultation with the wider community to inform the overall strategic approach.

24. Role of Statutory Officers

The Section 151 Officer and Monitoring Officer within their respective areas of responsibility, ensure that partnership arrangements are robust and integrated within the Council's Code of Corporate Governance.

25. Role of Council Officers

- (i) Council Officers involved in partnership working must:
 - follow the procedures outlined in this Code in the review and development of partnership working initiatives;
 - ensure that details held on the Partnerships Register are accurate and up-to-date;
 - comply with agreed reporting procedures;
 - be fully aware of Council procedures before any decisions are made;
 - where applicable – relay information to service areas – always ask who needs to know.
- (ii) Council Officers should remember that when working with a partnership, they remain employees of and accountable to the Council and are bound by their contract of employment, Council policies and procedures, Code of Conduct, Financial Regulations and Standing Orders. Officers should actively encourage the partnership to follow similar practices and procedures and should immediately report to their Director, when they feel that the partnership is not acting in a manner acceptable to the Council or in the public interest.

26. Councillor's role

- (i) Service on outside bodies has always been an established part of a Councillor's role. Councillors play a vital community leadership and representational role in

communicating local views to key public and private organisations and in influencing decision making. An appointed Member on an outside body will be able to use their knowledge and skills as a Councillor, to assist the organisation to which they are appointed.

- (ii) The Guidance for Members on Outside Bodies details the main issues which Councillors should consider when appointed to outside bodies.

27. Ethical standards

- (i) High ethical standards are the cornerstone of good governance. They are an integral part of good corporate governance arrangements and can lead to increased confidence in local democracy and better public services. Setting high ethical standards is an important building block for the Council in developing its community leadership role and improving services to the community. Poor ethical standards in partnership arrangements may adversely affect the Council's community leadership role, reputation etc.
- (ii) The Council aims to encourage high standards in partnership working, by defining appropriate behaviour in day to day partnership working, based on the Seven General Principles of Public Life (refer to para. (iv) below). The Council has adopted the [former] Standards for England Partnership Behaviour Protocol (the PBP) (Appendix 6), which is intended as a means to strengthen standards and accountability in partnership working. The PBP does not have a statutory basis or have sanctions attached to it. Nevertheless, it should enable those engaged in partnership working, to hold each other to account for the values and behaviours outlined in the PBP.

The PBP can be used at the pre-partnership stage and in the management of a partnership that is already in existence.

- (iii) The values and behaviours outlined in the PBP are in addition to compliance with legal requirements – the PBP does not replace (but supports) the following:
 - legal requirements on equal opportunities and antidiscrimination;
 - mechanisms that are required for good governance (rather than the values that underpin them) such as financial probity, systems for establishing value for money and good practice around contracting and procurement.
- (iv) The Audit Board (exercising its standards functions) encourages high standards of behaviour in the Council and amongst partners. The Seven General Principles of Public Life (referred to below), guide the conduct of Councillors and also underpin the [Member] Code of Conduct which all Borough Councillors, [voting] co-optees and Parish and Town Councillors, are bound:
 - Selflessness
 - Honesty
 - Objectivity
 - Accountability
 - Openness
 - Integrity
 - Leadership

- (v) Maintaining high standards is crucial to maintaining effective partnerships, but if problems are to occur, they are likely to be exacerbated by the adverse impact on partnership working, which may follow. The Seven General Principles are simple, and coherent, which means they can also be followed by partners, who are not obliged to formally adhere to the [Member] Code of Conduct. The Seven General Principles should as a minimum, be incorporated in all partnership arrangements.
- (vi) Partners should be encouraged to sign up to the common values and behaviours set out in the PBP and provide evidence that they meet the values specified. Signing up to the PBP should satisfy Principle 3 'Demonstrating the values of good governance through upholding high standards of conduct and behaviour' of the CIPFA/SOLACE Framework.
- (vii) Partnerships can be monitored against the PBP. The Audit Board will act as chief promoter and champion of the PBP and will be the forum to oversee both the implementation and adherence to the PBP.

28. Whistleblowing and anti-fraud measures

- (i) The Council has arrangements in place that are designed to promote and ensure probity and propriety in the conduct of its business.
- (ii) The Bribery Act 2010 makes it an offence to offer, promise or give a bribe. It is also an offence to request, or agree to receive or accept a bribe. While the legislation takes a robust approach to commercial bribery, it also applies to individuals who attempt to influence the application of rules, regulations and normal procedures. The Council's Counter-Fraud and Corruption Strategy sets out the measures taken by it, to counter bribery and fraud.
- (iii) The Council's Whistleblowing Policy enables employees, councillors, contractors, partners, agents acting for and on behalf of the Council, or members of the public, to express any concerns they have about illegal or illegitimate practices involving the Council.

29. Equality, diversity and social inclusion

The public sector equality duty is set out in the Equality Act 2010. In summary, the Council, must, in the exercise of its functions, have due regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) Advance equality of opportunity between people who share a protected characteristic (as defined in the Act) and those who do not;
- (c) Foster good relations between people who share a protected characteristic and those who do not.

The Council is required to take account of the duty in everything it is required to do, as well as everything that it is allowed to do, such as entering into partnership arrangements. Officers should work together with partnerships to identify policies that will need to be analysed, to ensure that the equality duty is built into partnership working.

30. Complaints and redress

- (i) Service users and the wider public have the same rights to hold partnerships to account and to obtain redress as they do with individual service providers; they have the right to expect partnerships to use public money to best effect.
- (ii) The wide range of partnership models makes it impossible to prescribe a single set of arrangements for ensuring that their activities properly reflect the interests of their main stakeholders, including service users and others affected by partnership activities and decisions. However, where partnerships have dealings with the public, the Council should ensure that individuals do not face problems when seeking redress concerning services delivered through the partnership and that complaint handling and redress are central to the governance of the partnership.
- (vi) Complainants should have a right of access to the partnership's complaints system and a right to obtain redress. Complainants have a right of access to the Local Government Ombudsman's service.
- (vii) The Ombudsman's Special Report 'Local Partnerships and Citizen Redress', recommends the following good practice principles:
 - a. when a partnership is first created, there should be clarity regarding accountability for different parts of the work that will be carried out;
 - b. there should be a clear statement as to who is responsible for handling complaints and providing redress;
 - c. there needs to be effective communication with those who use the service, so that they understand what they need to do in the event of something going wrong; and
 - d. there should be a strong commitment to learning from complaints, so that services may be improved.
- (v) Where a complaint is about the actions of a partnership exercising a discrete function of the Council, Officers should consider the need for the Council (if not already involved), to investigate the matter through its Corporate Complaints Procedure.
- (vi) The partnership's complaints system should be consistent with the principles set out in the Local Government Ombudsmen's guidance on running a complaints system.

31. Reviewing new and existing partnership arrangements

- (i) Existing 'major' partnerships should be reviewed on an annual basis, against this Code and the Toolkit, by the Officer leading on the partnership arrangement, to determine whether they are still required, to evaluate how effectively they are working and to make recommendations for improvement. The Partnership Evaluation: Self Assessment at Appendix 7 focuses on outcomes and the partnership's achievements. The results of the self assessment, together with any relevant actions, should be discussed by the partnership.
- (ii) 'Minor' partnership arrangements should also be reviewed on an annual basis, using a light touch approach, with focus on the financial and risk implications for the Council, of the partnership arrangements.

Reference material source:

Audit Commission 'Governing Partnerships – Bridging the Gap' October 2005 & Standards for England Partnership Behaviour Protocol - Paper 10/23

CIPFA 'Risk Management Guidance Notes No.11 – Partnership Risk Management'

Appendices 1 to 7 are on the intranet.