

Partnership Working Framework

April 2019

Document control

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Document objectives	To define the way Wiltshire Council will engage in partnership working		
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Group/Persons Consulted:	Audit Committee		
Ratifying Body	Cabinet	Date Ratified	Yet to be considered
Date of Issue	April 2019		
Next Review Date	Month and Year		
Contact for Review	David Bowater, Senior Corporate Support Manager		

1. Introduction to the Policy/ Purpose of the Policy

Wiltshire Council is fully committed to partnership working. We recognise the strength and value of effective partnerships in contributing to the improvement of the wellbeing of our communities. This can include:

- Improved coordination of services
- Tackling complex cross-cutting issues
- Stimulating more creative approaches to problems
- Wielding greater influence
- Reducing waste and improving economies of scale
- Meeting statutory requirements
- Learning from people in different organisations

The partnership working framework is designed for Councillors and officers to define the way the council should engage in partnership. This framework identifies:

1. How the Council defines a partnership;
2. How the Council enters and engages in partnerships;
3. Considerations for identifying, managing and supporting partnerships arrangements, including good governance.

Use of the framework will ensure that for each partnership the council is clear about:

- purpose and expected outcomes
- legal status
- accountability
- risks for the council
- review arrangements

2. Key Definitions

The word partnership is used with increasing frequency across all sectors. It can mean different things to different groups.

Wiltshire Council defines a partnership as a group of stakeholders brought together from more than one organisation, 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.

Further guidance from CIPFA adds clarity in defining two forms of partnership not underpinned by a contract.

- **Executive Partnerships** – to procure, directly, the services needed for the purposes of the Partners, or commission services jointly on behalf of Partner organisations, or which act in some other way on behalf of the Partners.
- **Advisory (Strategic) Partnerships** – the Partners agree collectively what each should do henceforth, individually, to further the collective objectives of the partnership.

The following are not regarded as partnerships:

- 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. *This is governed by Wiltshire Council's [commercial](#) and contracts policy.*
- 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 scrutiny network which formulates best practice to improve service delivery.*
- Contractual arrangements that include partnership arrangements and partnership arrangements that include contractual arrangements: *this could for example include s75 agreements with the NHS. These arrangements need to be dealt with via the contract Regulations in [Part 10 of the constitution](#)*

3. Working in partnership

Wiltshire Council will enter into partnership arrangements when:

- The delivery of outcomes for our communities is more effective and they deliver added value (delivering something that is unlikely to be achieved by another form of working arrangement)
- They are required by Government;
- They strengthen our ability to access external funding;
- They demonstrate good governance ie are consistent and well-managed.

These criteria all demonstrates the council's commitment to work in partnership with others as an innovative and effective council.

Partnership working can be rewarding and deliver results for communities; however, it can also be difficult and resource intensive, especially in the early stages. Therefore, the Council will consider other options before taking the decision to enter into a new partnership. These include:

- using an existing partnership to deliver the objective – this will almost certainly deliver results more quickly and effectively because the partnership is already established, even if it requires some adjustment to existing scope and membership of the partnership;
- Consulting others on proposals but ensuring that one agency retains responsibility for decisions and actions;
- Contractual arrangements, if different benefits are to be produced for different Partners.

Any participation by Wiltshire Council in partnerships must be approved by the relevant head of service and director.

The council will undertake an audit of the partnership arrangements on a periodic basis, using the template at **Annex 1**. The template will be completed by the council's lead officer representative on the partnership. The results of this will inform the production of the annual governance statement agreed by the Audit Committee and in turn full council.

Through ongoing review it may be identified that it is time for a partnership to end. Partnerships may end for a number of reasons, such as:

- The partnership achieves what it set out to do;
- The priorities of the Council change;
- On review, the partnership is not delivering the what it was set up to do and a new approach needs to be explored;
- The partnership is replaced by another arrangement;
- External funding or resources cease;
- On review, an adverse level of risk of continuing the partnership is identified;
- The legal framework upon which the partnership was founded changes.

When a partnership ends the council will:

- Evaluate which schemes or initiatives need to be sustained and how this might take place
- Ensure that if it is the lead partner or accountable body that suitable succession strategies are in place

4. Considerations for Identifying and Managing Partnerships

Legal Status

It is important to understand the distinction between what many normally refer to as partnership working and a formally constituted legal partnership. This framework talks about the former although in many cases they will contain aspects that are legally binding. It is also important to ensure that the Council has the legal power to enter into the partnership, and equally important, is not contravening any law in doing so. The status of any partnership should be clear. A partnership "agreement" or "Terms of Reference" are required to define how Partners will work together. The length and status of this document will vary between partnerships. It may be that some parts of the agreement will have the status of a protocol or statement of intent, while other parts are legally binding. The different roles that the Council can play in partnerships needs to be understood. Which role it plays can have a significant impact on the responsibilities and liabilities of the Council. Early advice from Wiltshire Council's legal advisors should be sought to ensure this is clear. Council's legal advisors may need to be involved in the development of the partnership (in particular regarding legal powers, legal structure and to help identify and consider legal liabilities) and must be involved in the drawing up of any legally binding agreements. The responsibilities of all Partners should be clarified and be in the agreement. These can include health and safety, community safety, equality, or other statutory responsibilities. While the partnership may not be bound by statutory duties in these areas, the Council must ensure that it fulfils its statutory duties in its work through the partnership. Representation of the Council on the partnership should be made clear. Substitute representatives should be identified as required.

Accountability

It is important to understand any partnership's accountability from a number of aspects. There should be a clear statement about how and to whom the partnership is accountable and what this accountability includes. The partnership should identify which organisation/ authority's constitution the partnership is answerable to and include this in any partnership ' agreement' or ' Terms of Reference' drawn up. A statement should also be made on the constituent member's accountability to each other, including any expectations of behaviour.

Finance and Resources

Heads of Service and the Lead Officer should keep under review the resource implications of each partnership, particularly for staff, finance and operational assets, and delivery of corporate priorities – and whether these deliver value for money.

Risk Management

Risks should be understood and evaluated at all stages of partnership development. In considering risks, these could be viewed in two timeframes:

- At the point of deciding whether to enter into a partnership, the risks to the Council should be considered using the Council's risk management approach. These should form part of any documentation that is used to support the development of a partnership, and the mitigation plans should be clearly understood by all involved;
- When the decision to enter into a partnership has been made, if the Council is the lead body the Council will ensure that the governance arrangements of the partnership include effective management of risk. As the lead agency the Council will ensure that the risks associated with the partnership working are recorded with service change plans and where appropriate the corporate risk register. If the Council is not the lead agency, the representatives should seek to ensure that minimum standards of risk management are in place, and that the representatives understand the level of risk attached to the Council's involvement

Roles of Councillors and Officers

Guidance to Councillors Appointed to Outside Bodies is provided as part of [protocol 3](#), alongside the advice included in paragraph 13 of the Councillor / Officer Relations Protocol, which forms part of the Council's Constitution.

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 the Director or Service Manager), 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. They shall abide by their respective Council Codes of Conduct at all times. Council representatives will be required to:

- Act on behalf of the Council within specific parameters;
- Ensure activities are co-ordinated across the Council to meet the Council's commitments to the partnership;
- Seek agreement for any new resources not already agreed or budgeted for in line with financial delegations.

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.

Council's legal advisors can provide any necessary advice and guidance to representatives on partnerships regarding potential liabilities for them and the Council, and on their responsibilities and accountabilities.

Communication in a Partnership setting

Guidance on all media and marketing issues for the partnership should be sought from the Council communications team in accordance with the Council's Media Relations Protocol [Protocol 7 of the Constitution]. Each partnership should ensure full agreement from all partners to the arrangements for communications for that partnership.

All Partners 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. The Council will endeavour to ensure that any consultation programmes and publicity exercises for the Council, its partnerships and its Partners are co-ordinated effectively.

Information Sharing

The Council's Data Protection Policy will apply where Council business is concerned. The Council will seek to secure an Information Sharing Agreement within a partnership and between partnership organisations where appropriate.

Performance Management Arrangements

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 partnerships have in place robust performance management arrangements. When entering into partnership arrangements the Council should ascertain whether:

- The partnership has an officer accountable for monitoring its performance (usually a head of service or above);
- The partnership has a credible evidence base to inform its objective, planning and target setting;
- There are action plans in place;
- Partners share information to enable effective performance monitoring and option appraisal;
- There are joint mechanisms in place for performance management;
- Findings are owned and acted upon.

Annex 1

Partnership audit template

Name of Partnership	
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Type of Partnership including statutory/ legal status	Statutory/ non-statutory Executive / advisory
Partnership area of work	
Does the partnership have terms of reference agreed by all partners?	Insert hyperlink where possible
Membership of the partnership	
Elected member contribution to partnership	
Organisation that the partnership is accountable to	
Service Manager accountable for the Partnership	
Name of responsible officer identified for the Partnership	
Start and proposed end date of partnership	
Contribution of partnership to Council's Business Plan 2017-27	
Funding sources available to the partnership	
Council resources made available to the partnership including; Finance; Staff; Accommodation; Legal; IT; Administration; Training; Insurance; Recruitment; Payroll; Health and safety; Advice; Communications	
Risks to the council associated with partnership	e.g. extent of financial and reputational risk if partnership ceases / ongoing involvement
Key partnership plans or strategies	Insert hyperlink where possible
Mechanisms in place to review performance	
Key sub groups	
Are there any plans for reforming the partnership in the pipeline?	
Information sharing arrangements	

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