

3.8 Cherwell District Council Partnership Protocol

Introduction

This Protocol is addressed to all our potential partners and sets out our expectations when entering into any partnership arrangement.

Cherwell District Council adopted a Partnership Protocol in April 2006. The definition of a partnership was agreed then as “an agreement between two or more independent bodies to work collectively to achieve an objective”.

This Protocol replaces and builds on the principles set out in the Partnership Protocol of 2006 and provides greater detail on the way Cherwell District Council will act, and will expect partners to act, within any partnership arrangement. This Protocol will be part of the Council's Constitution.

Cherwell District Council has, as a key corporate objective, the desire to work in partnership to deliver outcomes which are for the good of the community living, working, and visiting, in the Cherwell area.

Cherwell District Council wishes to ensure that all partnerships that it is a part of are underpinned by a common vision that is understood and agreed on by all the participating bodies.

Scope

The purpose of the Protocol is to provide guidance on how to deal with issues arising from working within partnerships and to help both partners and the public understand the basis of the Council's involvement in such arrangements.

Why a Partnership?

There must be clarity about what a partnership can achieve and why it is desirable. This means clear principles and objectives and a clear timescale. It is also important to be clear about what a partnership is. A contract between the Council and a supplier for goods or services is not a partnership (although commercial contracts may have a “partnership” element where it is agreed that risk/costs will be shared, that type of arrangement is not covered by this Protocol but by the Council's Financial and Contract Rules of Procedure).

What is the Partnership for?

All parties must share the vision of what they want to achieve in partnership. This will need to be expressed in clear, shared objectives so that actions and outcomes can be measured against agreed targets.

The legal status of the partnership will be determined by what it wants to achieve. Advice should be sought from Legal Services on the best structure to put in place bearing in mind what the objectives are and what organisations are involved. Unless a separate legal

entity is created a partnership cannot hold funds in its own right and is not able to employ people. The issue of joint and several liability must be considered. This means each party to the partnership takes responsibility for the decisions of the partnership.

Who needs to be involved?

There needs to be clarity about who is doing what. If an organisation is nominating individuals to attend partnership meetings there must be clarity about the authority that individual has to bind their organisation to partner decisions. If such authority cannot be given there must be clarity about decision making processes and timescales within each organisation so that where a partnership requires a decision to be taken the partner organisations can ensure the person attending has authority to make the necessary decision.

Where will the people come from?

People will be needed to attend meetings and carry out actions agreed by the partnership. There must be clarity about who will do what and acknowledgment from the partner organisations about the resources that will take. Time can be just as significant a contribution to partnerships as money.

How will decisions be reached?

The decision making process should be open and transparent. Matters should only be confidential when it is proper and appropriate for them to be treated as such (for example commercial sensitivity or sensitive personal data under the Data Protection Act 1998 – see below).

The partnership will need to agree from the outset the process for making decisions. Should decisions be by a majority? Should some decisions only be possible by unanimous agreement? Should only those contributing funds have a vote? Should there be any matters where parties should have an absolute veto? Partnership decisions should be clearly recorded. There must be clarity over who is responsible for this.

Data Quality and information sharing

Partnerships will make decisions based on the data provided. The partner organisations must therefore commit to provide to the partnership the most robust data they are able to. Cherwell will scrutinise the reliability of data and seek assurances as to quality and the processes in place to ensure such quality. Information sharing will be a key part of partnership working. Partner organisations are expected to comply with the provisions of the Data Protection Act 1998 and the Freedom of Information Act 2000. Where confidential information is exchanged there should be an information sharing protocol.

How will funds be delivered and spent?

There must be clear accountability for financial administration. Please ask Financial Services about the processes that need to be in place. Where will the money come from? Is the partnership intended to seek funds from other sources? Are the partners themselves contributing? If so, are the contributions equal? What returns and outcomes are expected for the financial contribution? Are future contributions ring-fenced and protected from budget pressures? How will the money be spent? Where public funds are involved, systems to authorise, record and audit expenditure should be in place.

Reviewing Performance

There should be at least an annual review of objectives achieved by the partnership, a review of financial performance and consideration of the vision and whether it is fit for purpose and necessary and appropriate for the partnership to continue. Has the usefulness of the partnership ended? Reviews may be more frequent and there should be a system for the achievements and issues of the partnership to be reported back to all partners. Cherwell District Council's Accounts, Audit and Risk Committee will monitor the performance of all partnerships the Council is involved in; in doing so they will take a risk-based approach in order that such monitoring is proportionate.

The performance of all partnerships which Cherwell District Council is involved in is open to scrutiny by the Council.

Dispute resolution

Robust discussion and differences of view are key to good partnerships. All parties should feel free to express differences and express the views, priorities and interests of their organisations. All parties should treat each other as valued and respected partners. It is important for an informal dispute resolution process to be agreed rather than all disputes leading to a termination of the partnership. Cherwell District Council will expect senior officers of partner organisations to be willing to meet to try and resolve any disputes at the earliest opportunity.

The Media

It is important that any disputes between parties do not spill over into public recriminations or behaviours that reflect badly on both the partnership and the organisations involved. Being part of a partnership means robust discussions internally but ultimately agreeing a way forward and maintaining that with a united front for all public purposes. Partnerships should have an agreed media strategy.

Exit Strategy

Partnerships may be time limited with a single objective or objectives which, once achieved, mean the partnership should be dissolved. There needs to be clarity about how

the decision to end the partnership will be taken and what will happen to the assets. Consideration should also be given as to whether any future arrangements are required. If only some partners wish to leave, the decision will need to be taken as to whether a partnership should, or can, continue and, if so, the decision making processes and funding of the partnership will need to be reviewed

Partnership principles

Cherwell District Council believes all partners should enjoy the following rights, and bear the following responsibilities, in any partnership arrangement:

- To be treated as respected and valued partners and to demonstrate this by listening, responding and encouraging real dialogue
- To be able to express different views and reach consensus through forthright debate
- To express the constraints under which they operate but take a positive approach focused on outcomes
- To expect loyalty to the partnership by taking collective responsibility for decisions made by the partnership and to promote and support the aims of the partnership within their own organisation
- To expect the partnership to help them achieve their own objectives within their own organisations
- To expect an active role to be taken in the partnership and to deliver what is promised and abide by decisions taken
- To expect information to be shared freely where it is legally possible to do so and to expect confidentiality to be respected.
- To operate in a positive culture focused on results