



Appendix 1 - South Hams District Council and West Devon Borough Council Partnership Policy

1. Introduction

- 1.1 In 2005 the Audit Commission's report 'Governing Partnerships: Bridging the Accountability Gap' recognised that local partnerships are essential to deliver improvements in local people's quality of life but that:
- they bring risks as well as opportunities;
 - governance can be problematic;
 - it can be difficult to ensure value for money; and
 - clear accountability is required between partners to ensure real accountability to the public.
- 1.2 Partnership working has played an important role in the public sector in the last few years and continues to do so. There are partnerships required by statute, the formation of Government backed partnerships to deliver economic growth and locally based partnerships with community and voluntary groups and stakeholders to address local issues, all of which form an integral part of policy development and service delivery. The Duty to Cooperate, set out in the Localism Act 2011, also places a legal duty on local planning authorities, county councils and other public bodies to engage constructively and on an on-going basis to maximise the effectiveness of Local Plans in addressing strategic cross-boundary issues.
- 1.3 It is however important to ensure that partnerships are appropriate, offer value for money, have correct governance arrangements in place and that any risks and implications for the Council are understood and mitigated. There must also be a mechanism in place to monitor partnerships to ensure that agreed outcomes are being delivered and under-performance can be addressed.
- 1.4 This policy provides a framework for Officers and Members on the Council's approach to the evaluation of and commitment to partnerships. The policy will:
- Assist any service wishing to review current partnership arrangements;
 - Ensure a Council wide approach to developing and entering into partnerships;
 - Provide advice and guidance for all Council staff involved in or considering a new partnership initiative.
- 1.5 Further detailed guidance will be available to complement the framework. Advice concerning the interpretation of this policy can also be provided by the Community Manager or the Chief Internal Auditor.

2. PARTNERSHIPS

What is a Partnership?

- 2.1 For the purpose of this framework a partnership is defined as:
“A relationship between two or more independent legal bodies, organisations or individuals working together to achieve a common vision with clear aims, objectives and outcomes agreed”
- 2.2 This policy is only concerned with arrangements where the Council is working with other parties towards joint objectives, sharing responsibilities, risk and sometimes resources. These partnerships are generally about benefiting the community and not making a profit. Therefore, the types of partnership arrangements covered are:
- Strategic Alliances
 - Partnerships required or encouraged by law
 - Not-for-Profit organisations
 - Social Enterprises
- A brief explanation for each type of partnership can be found in the detailed guidance.
- 2.3 The following are not covered by this policy:
- Groups where the Council has direct control over budgets or decision making;
 - Informal groups set up to discuss and consider specific topics;
 - Appointments and/or financial commitments to outside bodies where the Council has no strategic or policy function;
 - “Commercial Partnerships” with a view to make a profit, which are subject to the Partnership Act 1890;
 - Other commercial agreements;
 - Contracts and arrangements defined as legally binding which:-
 - May be oral, written, partly oral and partly written or implied from conduct between the Council and another legal body or individual;
 - Gives rise to obligations which are enforced or recognised by law;
 - Commits the Council to make payment or provide some such other consideration (e.g. the provision of a service).

Note: There may be contractual arrangements where the failure of the contract would have a significant effect on the Council. In these cases the project planning stage should identify this and a form of partnership working may be appropriate.

Entering into a Partnership

- 2.4 Before entering into a partnership it is important to fully consider the need, objectives, resource requirements, expected outcomes and risks and establish whether the partnership will assist the Council in meeting its statutory responsibilities and/or contribute to the delivery of locally identified priorities for the area. If it is identified that the partnership will not provide either of these then it should progress no further.
- 2.5 A Partnership Assessment Checklist is provided in the detailed guidance and should be completed and retained along with any supporting documentation for the life of the Partnership and for a period of six years afterwards.
- 2.6 Identifying opportunities and risks at an early stage enables the partnership to effectively manage strategic decision making, service planning and delivery to ensure that outcomes can be met and objectives achieved. Identifying opportunities helps to focus attention on maximising these and identifying risks enables them to be fully understood and managed so as to reduce and mitigate both the likelihood of occurrence and the impact should they occur.
- 2.7 Partnerships should be assessed in accordance with the Council's current Risk Management Policy. In respect of partnerships:
- All partners should be aware and understand the nature and extent of the risks they and other partners face;
 - There is an effective strategy in place to mitigate those identified risks and maximise identified opportunities;
 - All partners play their part in effectively managing risk to ensure the Partnership's objectives are achieved.
- 2.8 The Council's Code of Corporate Governance applies to its partnerships and governance arrangements relating to partnerships are also set out in the Council's Constitution.
- 2.9 The information partners will share with each other must be agreed at the outset and it may be necessary to set these out in an Information Sharing Protocol. Regard must be given to legal compliance, records management, security and other relevant Council policies.
- 2.10 Terms of Reference should be drawn up and agreed by all parties. Further information and a suggested template can be found in the detailed guidance. For significant partnerships the terms of reference should be checked by the Council's Legal Team.
- 2.11 For significant partnerships formal approval will be required to enter into the arrangement. A report should be submitted to the Executive or relevant Committee having first been discussed with the Head of Service or Corporate Director, as appropriate, and the Portfolio Holder/Committee Chair. The report should be an appraisal of the partnership and include a business case setting out

the need for the partnership, objectives, aims, opportunities, benefits, outcomes, risks and governance arrangements. A Project Initiation Document may be used for this purpose.

Significant Partnerships

2.12 Some partnerships have a higher impact than others and it is important to determine which these are. The following factors may lead to a partnership being considered significant:

- It has a high influence on Council or Partnership spending or provides an opportunity to access a significant level of funding;
- It has a high impact on service delivery;
- It is required by legislation;
- It has a high impact on strategic policy development;
- It has a significant role in meeting identified local needs and priorities;
- It has the potential to save considerable funds and provide a high level of “value for money” compared to partners acting independently;
- It has a high public profile and is involved in significant strategic work that affects the public.

2.13 The degree to which a partnership meets one or more of the above criteria and its impact will determine whether it is a significant partnership. All partnerships should be assessed to decide whether they fall into this category.

2.14 As per 2.11 above Significant Partnerships must be formally approved. In addition a report on these partnerships will be presented to the appropriate Scrutiny Panel or Committee annually as set out under “Evaluation and Review”.

Partnership Register

2.15 A register of partnerships will be maintained and all new partnership must be added to the register.

2.16 The register will be reviewed annually.

Evaluation and Review

2.17 Each partnership must be reviewed on an annual basis. This responsibility will rest with the Council’s lead officer for the partnership, who must as a minimum review:

- Whether the partnership has met its objectives and delivered agreed outcomes for the previous year and is likely to continue to do so;
- Whether the partnership still meets local needs and priorities;
- Any financial and resource commitment and that value for money is being achieved;
- Whether any changes are required to the terms of reference.

2.18 For each significant partnership the lead officer will need to complete a written appraisal following the end of the financial year that includes the information set out above plus the following:

- Key achievements for the year,
- Challenges that arose and how these were addressed;
- Key risks;
- Overall conclusion, which should indicate whether the partnership should continue and set out any recommended changes and the reasons these are proposed.

An appraisal template is provided in the detailed guidance. The appraisal should be completed by the 1st September; this should allow sufficient time for relevant performance and financial information to become available.

2.19 Completed annual appraisals will be presented to the appropriate Scrutiny Panel or Committee. The Panel/Committee will be asked to review these partnerships and recommend any significant changes proposed to the relevant Committee or Executive. They may also make recommendations as to further changes or invite the partnership chair/lead officer to attend a future meeting to present more detailed information on the partnership's operation and delivery giving Members an opportunity to scrutinise the partnership in greater detail.

2.20 For clarity, minor amendments that do not significantly impact or alter the partnership's arrangements or affect outcomes and resources may be agreed by the lead officer in consultation with the appropriate Head of Service or Corporate Director without reference to Committee or Executive.

Exit Strategy

2.21 To ensure that partnerships do not exist beyond their useful life it is essential that each has an exit strategy, which must be set out in the terms of reference. The exit strategy must agree the circumstances under which the partnership can be dissolved and enable partners to withdraw from the partnership when appropriate.

3. EQUALITY AND HUMAN RIGHTS

3.1 The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in developing this policy.

4. REVIEW

4.1 This policy will be reviewed annually. The Corporate Director will have delegated power to approve minor amendments and updates. Substantial changes will require the approval of the relevant Committee or Executive.