

Newark and Sherwood District Council



Partnership Toolkit April 2008

Revised 25 July 2012

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Foreword Leader and Chief Executive

Welcome to Newark and Sherwood District Council's Partnership Toolkit. This document has been developed to guide councillors and officers of the Council when working within partnerships. It also allows our partners to see the key principles and quality standards that we are committing to, and how we are putting collaboration and co-operation at the heart of the District Council.

The Council is committed to working to promote effective partnerships with other organisations and values the contributions they make towards achieving the vision adopted by the Council on 11th July 2007:

We want Newark and Sherwood's urban and rural communities to take pride in being vibrant, sustainable and having a high quality of life. To achieve this we want to deliver excellent, appropriate services and value for money.

The Council's priorities from March 2012 are:

- Prosperity
- People
- Place
- Public Service

Effective partnership working is critical to the Council delivering its priorities and ultimately realising its vision. This commitment is demonstrated through our leadership and involvement in our strategic plan, the Local Strategic Partnership's Community Plan, the Local Development Framework and the Nottinghamshire Local Area Agreement.

Effective partnership working is one of the keys to improving the quality of services provided for Newark and Sherwood citizens, visitors and employers. The effects of our services provide wider benefits for Nottinghamshire and the East Midlands. We will build on the strengths of our current partnerships and where necessary seek to develop new ones to bring greater benefits to our local community, as we work together to achieve our common aims to create and sustain a better quality of life for all.

Section 1 –Working in Partnership

1. Introduction – A Partnership Toolkit

Partnership working is becoming ever more central to effective modern local government activity. The Council has a long history of playing a lead role in establishing and developing partnerships within the District. As a learning organisation we recognize that we must continually strive to improve our policy framework, systems, processes and style of work to ensure we are able to effectively lead our communities. The Partnership Toolkit is testimony to our determination to achieve excellence.

The importance of effective partnerships are emphasized by Local Government Improvement and Development. While the coalition government places less emphasis than the previous government on formalised local partnership arrangements, collaboration and joint working remain a key part of the national agenda on health reform, policing, and economic development. Partnership relationships with the not-for-profit sector are central to government plans for the Big Society. We believe that the development and application of our toolkit will enable us to respond to these assessments.

2. The Purpose of the Toolkit

Our toolkit outlines the approaches to be applied when considering both introducing new partnerships and reviewing existing arrangements. It has been developed specifically by Newark and Sherwood District Council, through a Partnerships Task and Finish Group established by the Council's External Relations and Partnerships Overview and Scrutiny Committee involving senior managers within the Council. It provides a basis for examining the key issues that require consideration, to ensure that any potential problems identified in relation to partnership working are addressed and minimized in the future.

The toolkit will ensure, in the particular context of each partnership, that:

- The Council is clear about its purpose and expected outcomes when entering into partnerships
- The Council's own agreed objectives and priorities are being met
- Best use is made of available resources
- There is clarity in relation to accountability for outcomes and quality
- Partnership involvement, activity and outcomes are monitored and reviewed in line with the Council's Performance Management Framework
- Risks for the Council, and for the partnership, are assessed and agreed, e.g. in achieving delivery of statutory or other targets
- Each partnership maintains a relevance to its agreed purpose over time
- Partnerships are properly authorised and empowered, and their legal status understood.

3. Who will use the Toolkit?

The toolkit is intended for use by both councillors and officers.

The main body of the document explains how and why we need to adopt this toolkit, whilst the appendices give detailed guidance for each stage in the life of a partnership. For example:

- Before committing to a partnership
- How to behave in partnership
- How to determine how well the partnership is doing

Using the toolkit will ensure clarity in roles, responsibilities and relationships between partners, and reduce the risk of uncertainty or confusion over accountability. It will enable partnerships to be subject to rigorous review, and ensure that Cabinet, officers, and overview and scrutiny committees are able to confirm that they are comfortable with the potential risks, any future budget implications, and that participation is adding value, relative to the resources involved.

The toolkit outlines the skills and techniques necessary to build effective partnerships, reviews and updates existing arrangements, and develops new systems and processes to support partnership working. It seeks to integrate partnership work into the Council's mainstream planning, thinking and delivery. In addition, the Toolkit provides guidance on ensuring that partnerships satisfy the requirement to properly discharge obligations in respect of the stewardship of public funds and assets.

4. Defining a Partnership

The word “partnership” is used with increasing frequency in both the public and private sectors and can mean many different things to different people. To make partnerships work effectively, they need to be differentiated from other joint arrangements such as funding regimes, contracts, and informal relationships or networks. During the Overview and Scrutiny discussions, it was agreed that Newark and Sherwood should have its own definition. The Committee proposed the following definition:

A partnership has:

An agreed framework for jointly delivering common goals, with shared risk and resources, which provide identified added value and measurable impact, based on shared accountability for outcomes, which cannot be obtained in other ways.

An officer workshop on Partnership Risk Management held on 6th March 2007 proposed the following definition:

An agreement between two or more independent bodies to work collectively to achieve an objective.

The officer definition includes:

- Strategic suppliers (excludes day to day suppliers)
- Strategic delivery alliances
- Policy and planning relationships
- Joined up working arrangements
- Arrangements that can adversely impact our reputation

If you are unsure whether or not you are in a partnership arrangement or would like advice on whether a new arrangement should be formally established as a partnership, please contact the Policy and Commissioning Unit on Ext 5231 to discuss this.

Many local authorities become members of, or wholly own, companies that deliver public services. These are often referred to as “arm’s-length companies”. In fact, these have a strict definition in law. For the purposes of this toolkit, Newark and Sherwood currently has one company that meets this definition – Newark and Sherwood Homes.

However, there are companies in which the Council has membership and/or a level of interest. In most cases, the Council is represented on the Board by councillors or officers. These companies are limited by guarantee and you should contact Legal Services before any involvement in these types of partnerships.

5. When is a Partnership Appropriate?

Before entering into any partnership, the potential benefit of the Council’s possible participation must be assessed, by comparing the objectives and intended outcomes of the proposed arrangement with the Council’s own priorities.

A partnership may be appropriate when there is common purpose between the parties involved, the opportunity to achieve coordinated benefits for the community, and the potential to deliver more than the sum of individual contributions, (i.e. “added value”), with an acceptable level of risk. A key feature of all partnerships is that all the parties involved agree to the need for the partnership in these terms.

There may be other ways to achieve the desired outcomes, and all alternative mechanisms must be assessed before entering into any partnership agreement. The outcomes and expectations of the proposed partnership must also always be considered against the legal framework in which the Council has to operate.

Put simply, is it within the Council’s powers to enter into such collaboration?

6. Recording and grading partnerships

Part of the development of this toolkit has been to record the Council's current partnership involvement and log the information in a partnership database. The type of information sought is shown at Appendix 1. The purpose of this audit is:

- To identify when the Council is in a partnership, as opposed to a networking arrangement or a purely contractual relationship. (One of the uses of the definition of partnership is to test this)
- To provide a mechanism for reviewing partnership involvement. (It enables us to test if there is duplication of activities and to view the scale of Council resources going into partnerships)

- To clarify which partnerships we are involved in and why, who is leading and how progress is being reported. (This will ensure those individuals involved are getting the policy guidance and information they need, and, therefore, the partnership database needs to be regularly updated).
- This partnership environment will also need to be reviewed in the context of the regular review of the Community Strategy, the Council's priorities and other key plans, as well as any external inspection frameworks applied to Council services. This mapping will be the responsibility of the Business Manager - Policy and Commissioning and will be kept updated on an annual basis, with changes being notified to those affected.

It is the intention of this toolkit to focus resources in a proportionate manner. The partnerships identified by the recording process have been graded into 3 categories as follows:

Level 3 Minor partnerships	Level 2 Medium size partnership	Level 1 Major Partnership
<ul style="list-style-type: none"> • Expenditure of up to £50K • Minimal resource commitment • If partnership fails then the fallout is an inconvenience • Partnership does not impact in a material way on key priority services or strategic objectives • Minimal reputation impact 	<ul style="list-style-type: none"> • Expenditure between £50K and £250K • Moderate resource commitment • If partnership fails then the fallout is an short term problems • Partnership does impacts in a moderate way on key priority services or strategic objectives • Moderate reputation impact (local papers) 	<ul style="list-style-type: none"> • Expenditure greater than £250K • Considerable resource commitment • If partnership fails then the fallout could potentially stretch beyond a couple of weeks and have longer term service implications • Partnership does impacts in a serious way on key priority services or strategic objectives • Serious reputation impact (national journals)

This grading enables the Council's resources to be primarily focused on those partnerships that warrant most attention and carry the greatest risk i.e. Level 1.

Section 2 – Working in Partnership

7. New Partnerships

The creation of any new partnerships must be supported by Corporate Management Team, with the need for the Council's participation in all formal partnership agreements

being approved by the Cabinet or, if required constitutionally, by the Council. Before creating or joining a partnership, those exercising executive power on behalf of the Council will need specifically to consider the criteria detailed in the checklist in Appendix 2, before granting

approval for this. Where the partnership involves the regular participation of Council staff (as opposed to Councillors), the steps required and the actions to be taken, are detailed in the associated flowcharts (see Appendix 3).

If the partnership is approved, the appropriate Director will nominate Council representatives (Officers) on that partnership, together with a Link Officer. The Link Officer's role and responsibility is outlined in Appendix 14, but will include:

- Providing a point of contact between the Council and the Partnership
- Reviewing performance against agreed procedures and targets and submitting a quarterly report on this to their Business Manager or Director
- Reporting, on an exception basis, to their Business Manager or Director if any significant issues arise between quarterly reports
- Submitting an evaluation report (at least annually) to their Business Manager or Director and CMT. Similarly, the Council will make suitable arrangements for approval of nominations for councillors to serve as its representatives on partnership bodies. It will be the responsibility of Business Managers or Directors to then report, within the approved timeframe, to Corporate Management Team (CMT), Cabinet and overview and scrutiny committees on overall matters of partnership operations and performance (see Appendix 14). The frequency of reporting will have regard to the anticipated life of the partnership. If the partnership is delivering a 3 year strategy, 6 monthly reports would seem appropriate, if the partnership is delivery a 10 year strategy, annual reports would seem appropriate.

A template for the performance reports is provided at Appendix 20.

8. Existing Partnerships

The activities and outputs of existing partnerships will be assessed using the checklist in Appendix 4, to ensure their continuing relevance to the Council's priorities, in terms of aims, outstanding work and delivery of agreed improvement targets. Appendix 15 details arrangements regarding the review and monitoring of existing partnerships. A report on the work of each partnership in which the Council is involved will be presented to CMT and Cabinet annually, by the appropriate Business Manager or Director as well as through quarterly monitoring information provided to CMT, the Cabinet and Overview and Scrutiny, on an exception basis, as detailed in section 7. Appendix 14 provides a summary of proposed roles and responsibilities in existing partnerships. Although this document is designed for use by the councillors and officers of Newark and Sherwood District Council, it is intended to be the first stage in developing a toolkit which can be adopted for use by all the partners on the Local

Strategic Partnership (LSP). By signing up consistently to this way of working, all partners within the LSP will be enabled to work within a common agreed framework, and to the same standards.

In order to begin this process, for those partnerships which are accountable to the LSP or to the District Council, the Council intends to adopt and work to a formal partnership agreement, which makes clear the aims and principles of the partnership; the roles, and accountabilities of each of the sectors represented on the Partnership; and the procedures under which the Partnership will operate. A draft partnership agreement for this purpose is attached at Appendix 10A.

9. Probity and Stewardship

It is essential, when dealing with public funds, that all such partnership arrangements have adequate procedures and processes in place to ensure that all obligations in respect of probity and stewardship can be fully discharged. A partnership probity audit may be carried out to review:

- Accountability and scrutiny
- Internal integration
- Partnership staffing

The arrangements for such an audit would need to be determined by partners but could be undertaken by appropriately qualified auditors such as internal audit, external audit or perhaps on a peer review basis.

An internal Partnership Operational Checklist has been developed and is included at Appendix 4 for use by officers and councillors, to ensure that all partnerships have acceptable procedures and processes. For further guidance on this, please contact the Business Manager - Policy and Commissioning, Ext 5231.

You should be aware that, by law, the Council can only participate in activities which it has a statutory power to undertake. For this reason, Legal Services must vet all proposed partnership arrangements. Officers and Members becoming involved in work with partnerships which is outside of those statutory powers could encounter difficulties, as the work they are being asked to undertake could be deemed to be “ultra vires”, i.e. outside the Council’s permitted sphere of activity. The District Auditor may investigate such situations, which can be subject to legal challenge. Whilst the Local Government Act 2000 and the Localism Act 2011 has given Councils wider powers, for example the power to promote well being for the benefit of the wider community, advice should be sought from Legal Services if in doubt about the appropriateness of any such arrangements.

You should also be aware that the Council has an Anti-Fraud and Corruption Policy and a Whistle-blowing Policy and brief details of this are included at Appendix 17.

In addition, the Council recognizes its responsibility to achieve value for money from all its activities, however they may be funded. The Council will seek to achieve Value For Money in the delivery of its objectives and in the delivery of all services. Accordingly, the Council will adhere to its Value For Money Strategy (see Appendix 18) whilst working with partnerships and encourage its partners to follow the same principles.

10. Risk Assessment and Risk Management

Good risk management is a key tool in delivering a successful partnership as detailed in Appendix 18. Stakeholders in the partnership should achieve a common understanding of the potential risks associated with achieving partnership objectives, their relative seriousness, and how they can be managed. These risks should be recorded in a joint risk register, which should also specify which agency or agencies are responsible for managing the action plan to reduce individual risks. A designated member of the partnership management group may be named as being accountable for maintaining the risk register and for ensuring its completion and timely review by relevant agencies or partners.

The partnership agreement should identify when, and in what format, the risk assessment and risk management plan will be monitored and reviewed, and by whom. However, consideration should also be given to significant events, milestones, or incidents that may indicate a need for the partnership to review its risks at particular times.

The partnership board (or management team) should ensure that effective risk assessment is undertaken in all key decision making processes, and that, where necessary, the partnership implements risk management plans to alleviate these identified risks, which set clear deadlines and allocate responsible individuals for particular tasks.

As well as risk management plans, there needs to be clear contingency plans agreed in advance, covering what action will be taken if risks are realised. It is important to note that as part of risk management, insurance is one way of transferring risks.

As insurance premiums rise and organisations increasingly self – fund risks, there is greater emphasis on risk management. Appendix 16 details a number of areas where insurance decisions may need to be taken by the partnership. In instances where the issue is relevant to the partnership, further advice and information can be obtained from Financial Services on Ext 5324. They will be able to help you determine whether existing insurance cover held by the partner organisations is sufficient or whether additional insurance is required/available.

Further detail on the agreed risk management process for the Council, and on the content of risk registers, please contact the Council's Business Manager – Community Safety on Ext 5232.

11. The Resource Implications of Partnership Working

Before entering into any partnership, the Council will give corporate consideration to its ability to contribute effectively to the partnership. Given its commitment to effective partnership working, 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 involved, particularly in terms of staff time, finance, operational assets, existing commitments, and the implications for corporate priorities in taking decisions on new partnerships and in extending the role of or its involvement in existing partnerships.

The Council will maintain a database of all partnerships it is involved with, as described in section 6 of this toolkit, "Mapping Partnerships". This will allow councillors, officers and the public to be directed to organisations appropriate to their individual needs, to facilitate joint activity, and also to minimise duplication of effort and resources.

The Council will evaluate its engagement with each partnership, to assess the relative risks and rewards to the Council and to its local communities, including legal issues, insurance, implications arising for the Council's Constitution, issues of partnership procurement, and of joint service delivery. An "Operational Checklist" for each partnership is attached (see Appendix 4) to assist with this. For advice on the checklist, contact the Council's Business Manager – Community Safety on Ext 5232.

The Council will ensure that agreed partnership involvement, activity and outcomes are contained within its performance management and reporting systems, thereby ensuring that the continuing effectiveness of specific partnerships is consistently monitored and reviewed.

The minimum partnership monitoring requirements are set out at Appendix 15. The annual review of and report from each partnership on its activities and outcomes will be submitted in accordance with the agreed programmes for the preparation of the Council's Performance Plan, service plans and budget. Each annual report should clearly identify any new or changing proposals where partnerships are seeking Council action, support or funding.

Acting as a representative on any partnership does not permit officers or Members to commit the Council to the use of resources not contained within approved budgets. Proper consideration will need to be given to any resources required. A checklist of the type of support/resources that may need to be provided to partnerships is attached at Appendix 5.

12. Skills for Partnership Working

The Council recognises that partnership working requires particular skills and abilities, if it is to be undertaken effectively. The Council will ensure that its annual training and development programme will include appropriate provision and opportunities for officers and councillors to develop the skills needed for partnership working. This will include how to use this toolkit.

Examples of the skills and knowledge required are shown in Appendix 13. For further information or guidance on this aspect please contact the Business Manager – Human Resources and Legal Services on Ext 5219.

For councillors and many Council officers, the work they do in or with partnerships will be an integral part of their job or role with the Council and, to differing degrees, they may become involved in the day-to-day management or running of these groups, whatever their role within the partnership. In these circumstances, distinctions between the responsibilities of the Council, the individual councillor or officer, and the outside body itself can become blurred. This could give rise to difficulties. This guidance is designed to offer you advice and to help you avoid such difficulties. It outlines the types of partnerships which can evolve; what steps you must take as a member of them; and some of the issues you should be aware of and prepare for in participating in their activities.

13. Conduct and Accountability

For a partnership to be effective, certain standards of conduct and accountability are expected of board members and other individuals involved in the partnership. These are detailed in Appendix 6 (General Principles of Conduct for Partnership Working), Appendix 7 (Conduct and Accountability), Appendix 8 (Protocol for Councillors involved in any work with Outside Bodies) & Appendix 9 (Protocol for Officers involved in any work with Partnerships, Outside Bodies and Voluntary Groups). This information is designed to assist the board as a whole, and all associated groups, to function efficiently, by explaining what conduct is expected of individuals when they are operating as a member of the board, its sub-groups, forums, task groups or any other meeting which takes place under the auspices of the partnership.

Councillors and officers will, at all times, need to observe the relevant Codes of Conduct (i.e. the Council's Code of Conduct for Councillors or the Code of Conduct and Guidance for Officers). Particular regard must be had in relation to the requirements of making declarations of interests.

14. Protocol for Councillors Involved in any Work with Partnerships, Outside Bodies and Voluntary Groups

Councillors should read and follow this protocol, attached in full as Appendix 8, when working as part of any partnership, either directly representing the Council, in an advisory capacity or as part of an interest group. Any issues within this protocol that you

do not understand or which require clarification should be discussed with your political Group Leader, the Chief Executive, or the Council's Monitoring Officer.

Councillors should ensure that all the partnerships they are involved in are governed by a suitable form of written partnership agreement. This may be a partnership document, charter, memorandum of understanding or simply terms of reference. An example framework for a partnership agreement is attached at Appendix 10 and 10a. The form taken may be different for each partnership, dependent on its size, function and complexity and should include Terms of Reference – see also Appendix 12. Advice from Legal Services should be sought where necessary.

Personal agreements, signed by each individual on the partnership board(s) are also helpful in this context, in clarifying the nature of the undertaking involved. A specimen form is attached at Appendix 11.

15. Protocol for Officers Involved in any Work with Partnerships, Outside Bodies and Voluntary Groups

Officers should read and follow this protocol, attached in full as Appendix 9, when working as part of any partnership, either directly representing the Council, in an advisory city, or as part of an interest group. Any issues within this protocol that you do not understand or require clarification should be discussed with your Manager/Supervisor. All staff should ensure that appropriate partnership agreements or governing documents, such as a charter, memorandum of understanding or terms of reference, are agreed and adopted by all partnerships in which they are involved. Wherever possible, Legal Services should be asked to review a copy before the partnership representative commits the Council to formal involvement. An example framework for a partnership agreement is attached at Appendix 10 and 10a. The form taken may be different for each partnership, dependent on its size, function and complexity. Legal advice should be sought where necessary. Personal agreements, signed by each individual on the partnership Board(s) are also helpful in this context, in clarifying the nature of the undertaking involved. An example is shown at Appendix 11.

Council staff must bear in mind that acceptance of a role as a charity trustee or company director (even if accepted as part of your work for the Council) is a responsibility personal to you. There will be responsibilities to the Charity Commission, as well as under company law, which must be fulfilled. The duty to act in the best interests of the charity or company must be balanced with your duty to the Council as an employee, and as a representative within its community leadership role. If in any doubt about this, Legal advice should be sought.

16. Review and Evaluation

Review

There are two aspects to this. Firstly, review in relation to the partnership itself, to provide assurance that proper systems are in place and that its outcomes and performance can be monitored and evaluated. Secondly, for the Council, to provide assurance about the effectiveness and value of its own input, and whether Council requirements are being met.

Monitoring and review will be undertaken in accordance with Appendix 16 and will be carried out by the officer with internal responsibility for that partnership (Link Officer – see section 7). The Council's responsibilities identified within a partnership action plan will be logged within the Covalent performance management system and monitored accordingly.

Reports will be submitted by the appropriate Business Manager to CMT setting out the findings of the review and any action required. Reviews will be carried out on an annual basis, as detailed in section 7. This exercise is not a substitute for the monitoring, evaluation, and reporting responsibility of the partnership itself.

This work will link with the annual review of outside bodies that subsequently reports in to the Council's Annual General Meeting in May.

Evaluation

The aim of this is to identify the impact of the partnership, unless it has separate arrangements to produce this independently. Within the Council, annual reports on individual partnerships will be submitted by the Business Manager (through the Link Officer), to CMT, Cabinet and overview and scrutiny (see section 7).

Any learning likely to be of wider benefit will be identified. Where significant issues are raised, these should be submitted to Cabinet consideration for agreement of any formal action necessary.

17. Transparency of Use

This toolkit is intended to help the Council to be as clear, focused, effective and efficient as possible when it enters into and works as part of any partnership. The Council will share this toolkit with its partners and prospective partners, and will ensure that the procedures and guidance involved are understood, and the need for them is accepted. Contact the Business Manager – Policy and Commissioning Ext 5231.

18. Business Continuity

Business continuity planning is one of the ways in which high impact risks can be managed. Its purpose is to enable managers to plan for how they will respond both immediately and in the longer term should there be a major disruption or interruption to their service. The business continuity process provides an early opportunity to identify single and weak points that may jeopardise service delivery.

The Civil Contingencies Act 2004 requires the Council to maintain plans to ensure that it can continue to provide services in the event of an emergency so far as is reasonably practicable. If the partnership is to deliver Council services that have been identified as critical in the Business Continuity Plan, consideration must be given to requiring the partnership to demonstrate effective business continuity management. This should be reflected in the pre-partnership risk assessment and entered into the risk register.

Once a business continuity plan has been developed it will need to regularly reviewed, tested and accessible in an emergency.

19. Complaints about partnerships

Service users, residents or partners may wish to make a complaint about a partnership. Whilst many organisations have complaints processes, partnerships may not.

A suggested approach and process is set out in Appendix 21 along with key information about ombudsman that cover public services.

Appendix 1

Information on current partnership arrangements

PARTNERSHIP DATABASE FIELDS

NAME OF PARTNERSHIP:		
WHO ARE THE PARTNERS?:		
WHAT IS THE PARTNERSHIP'S KEY STRATEGY?:		
WHAT ARE THE PARTNERSHIP'S KEY OUTCOMES?:		
TO WHOM DOES THE PARTNERSHIP REPORT?:		
HOW OFTEN DOES THE PARTNERSHIP MEET?:		
WHEN DID THE PARTNERSHIP START?:		
WHAT IS THE END-DATE FOR THE PARTNERSHIP?:		
IS THE COUNCIL'S INVOLVEMENT IN THE PARTNERSHIP STATUTORY OR DISCRETIONARY?		
WOULD YOU CLASSIFY THE PARTNERSHIP AS STRATEGIC, OPERATIONAL, CONSULTATIVE OR AN OFFICER NETWORK?		
CONTACT DETAILS:		
	PARTNERSHIP CHAIRMAN	PARTNERSHIP SECRETARY
NAME		
ADDRESS		
TEL. NUMBER		
EMAIL		
WEBSITE		
	LEAD NSDC OFFICER	LEAD NSDC COUNCILLOR
NAME		

Appendix 2 Partnership flowchart

Entry	Before committing to a partnership assess: <ul style="list-style-type: none"> • Fit with Council priorities • Risks • Resource implications 	Appendix 3
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Framework and Delivery	Rules of engagement with the partnership: <ul style="list-style-type: none"> • Terms of reference • Roles and Responsibilities • Partnership Agreement • Resources • Operational checklist • Risk management and business continuity • Exit plans • Complaints process 	Appendix 12 Appendix 6,7,8,9,15 Appendix 10,11,12,17,18 Appendix 5,13 Appendix 4 Appendix 19 Appendix 21
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Monitoring and Review	How well is partnership doing?: <ul style="list-style-type: none"> • Health check • Review framework 	Appendix 4 Appendix 16
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Appendix 3

Pre - partnership checklist

Name of Partnership:

Checklist completed by:

Date:

Check	Comment	Action
<p>Partnership - Key Information</p> <ul style="list-style-type: none"> • What is the partnership intended to achieve (clear, documented and agreed objectives and targets)? • What is its intended lifespan? • What other organisations will be represented on the partnership? • Who will lead the partnership? • What will the partnership expect of the Council? • Are there clear partnership rules of engagement? • Have other delivery options been considered and evaluated (including risk analysis of opportunities and threats) 		
<p>Assessment of the fit with the Council</p> <ul style="list-style-type: none"> • What is the expected role and contribution of the Council and all service divisions? • How does this participation contribute to the Council’s corporate and service objectives? • Is participation in the partnership or its objectives within existing service plans? • Is this a partnership or is it really something else e.g. SLA or simple funding request? 		
<p>Resource Implications</p> <ul style="list-style-type: none"> • What are the resource implications (staff, capital and revenue funds, use of assets)? • What is the identified resource availability? • How could the Council resource its participation? • Are there other sources of funding available? • Are there future budget implications? 		
<p>Other Considerations</p> <ul style="list-style-type: none"> • Are there arrangements for monitoring, reporting, review and exit? • How does this partnership tie in with other partnerships and other services’ objectives and 		

<p>priorities?</p> <ul style="list-style-type: none"> • Are there cross-service opportunities or conflicts? • Has this partnership been the subject of consultation with other service divisions? • What will the Council contribute to the partnership? • Are there Health and Safety considerations from revised working conditions • Have risk assessments been carried out and control measures identified? • Does the partnership have a business continuity plan? • Have insurance requirements been assessed both for the Partnership and the Council? • Has Legal Services been involved with the Partnership agreement? • Has the checklist for Types of Support provided to partners (Appendix 5) been completed and all relevant services consulted? 		
<p>Corporate Sign-off:</p> <ul style="list-style-type: none"> • Chief Executive and CMT • Cabinet/Council(as appropriate) • Business Manager – Human Resources and Legal Services • Business Manager - Policy and Commissioning • Business Manager – Community Safety • Has a Partnership representative(s) appointed? • Partnership Link Officer nominated? 		

Appendix 4 Partnership operational checklist

Name of Partnership:

Checklist completed by:

Date:

Key Enquiry Questions	Comments/Evaluation/Location of Evidence
<p>1. Partnership Structure and Accountability</p> <p>1.1 Has the pre-partnership checklist been completed to confirm appropriate partnership entry processes have been followed (Appendix 3) or for existing partnerships, approval been obtained?</p> <p>1.2 Do you have a partnership agreement which sets out clearly the respective roles, responsibilities and behaviour required for partners and the staff team? (see Appendix 10).</p> <p>1.3 Are there agreed partnership aims and objectives?</p> <p>1.4 Do you have terms of reference for the partnership? (see Appendix 12)</p> <p>1.5 Do you have individual partnership agreements for all relevant persons stating their roles, responsibilities and expectations prior to joining the partnership? (see Appendix 11)</p> <p>1.6 Have review periods been determined at the commencement of the Partnership?</p> <p>1.7 Do you have a partnership Board, which monitors performance?</p> <p>1.8 Does the partnership have a time scaled business or work plan?</p> <p>1.9 Has the partnership secured appropriate representation to influence the mainstream agendas at appropriate strategic and operational levels?</p> <p>1.10 Is the partnership realistically sized and resourced?</p> <p>1.11 Are those attending arriving at partnership meetings well briefed and</p>	

<p>clear about their roles and responsibilities?</p> <p>1.12 Do you have clear, succinct and well written paperwork circulated at least one week in advance of meetings?</p> <p>1.13 Are meetings well planned with enough space for relevant discussion and decision making?</p> <p>1.14 Do partners attend meetings on a regular basis as outlined in their written statement of responsibilities?</p> <p>1.15 Do you have attendance requirements for meetings that are enforced?</p> <p>1.16 Do you have clear, concise and accurate minutes?</p> <p>1.17 Do partners have a clear understanding of what they take back from the group to their own organisations?</p> <p>1.18 Are action points acted upon by all partners?</p> <p>1.19 Do you have a process and protocol for dealing with issues or conflict or difference in opinions?</p> <p>1.20 Is there clarity on partnership functions and responsibilities between and within internal departments?</p> <p>1.21 Are internal processes effective and provide value for money and are there opportunities for rationalisation?</p>	
<p>2. Information Sharing</p> <p>2.1 Have information sharing protocols been devised with partners?</p> <p>2.2 Are arrangements in place to identify and share good practice amongst partners?</p> <p>2.3 Have data protection issues been addressed?</p> <p>2.4 Is there clarity on confidentiality within meetings and on handling of confidential information between partners?</p>	
<p>3. Legal Advice</p> <p>3.1 Is there clarity on the formal and legal status of the partnership?</p>	

3.2 Was legal advice sought before setting up the partnership?	
<p>4. Auditing/Scrutiny Arrangements</p> <p>4.1 Are the auditing arrangements for the partnership clear (internally and jointly)?</p> <p>4.2 Are there arrangements for the external scrutiny of the partnership decision?</p> <p>4.3 Are arrangements in place to monitor and measure the performance, success and impact of the partnership?</p> <p>4.4 Are partners aware that Internal Audit must have access to all records regarding the partnership?</p>	
<p>5. Conduct</p> <p>5.1 Do you have an agreed Code of Conduct for partners which is signed by all members and enforced by the Chair? (Appendix 7)</p> <p>5.2 Does the code cover the following areas:</p> <ul style="list-style-type: none"> • Equal opportunities and diversity issues • Agreement that the behaviour of members of the partnership during and outside board meetings should not bring the partnership into disrepute • A clear declaration of interest procedure including a members register • A clear procedure for handling breaches of the code <p>5.3 Do you regularly review your code of conduct?</p> <p>5.4 Have appendix 8 protocols for Councillors been issued?</p> <p>5.5 Have appendix 9 protocols for Officers been issued?</p> <p>5.6 Is it clear how issues of staff conduct will be addressed between partners?</p>	
<p>6. Financial Management and Accountability</p> <p>6.1 Is it clear, agreed and formalised where</p>	

<p>accountability lies for financial matters?</p> <p>6.2 Are financial monitoring arrangements clear, agreed and formalised?</p> <p>6.3 Is it clear what the financial inputs and outcomes are for the partnership?</p> <p>6.4 Is the process for approving spending clear, documented and agreed by the partnership?</p> <p>6.5 Have procedures for managing and monitoring pooled budgets been developed?</p> <p>6.6 Is it clear which standing orders/financial regulations/Constitution are to be used?</p> <p>6.7 Is the procedure for applying for grants and external funding clear and is it clear how grant claims should be processed and accounted for?</p> <p>6.8 Are the systems adopted appropriate to the partnership? Are Council systems used? What assurance systems are in place?</p> <p>6.9 Is there a system of internal financial control which is agreed and understood?</p> <p>6.10 Is there a clear audit trail (especially between organisations and which respective auditors have agreed)?</p> <p>6.11 Is there a clear policy on procurement within the partnership?</p> <p>6.12 Where resources are jointly purchased or commissioned, is there clarity over ownership, responsibilities, etc.?</p> <p>6.13 Where the private sector is involved in the partnership, has consideration been given to the implications of their potential financial benefit?</p> <p>6.14 Has there been discussion and agreement on how smaller organisations can be helped to meet the requirements of larger public organisations to provide high standards of accountability?</p> <p>6.15 Have the implications of VAT and other taxation requirements of, and differences</p>	
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<p>between, different organizations been considered and planned for?</p> <p>6.16 Is there a fraud prevention strategy applying to the partnership?</p>	
<p>7. Accountability Structures</p> <p>7.1 Is there an accountable body arrangement and is this understood by partners?</p> <p>7.2 Is the accountability 'route' clear and straightforward in respect of the requirements of the accountable body?</p>	
<p>8. Delegation</p> <p>8.1 Is there clarity on which functions and decisions can be delegated, and to whom?</p>	
<p>9. Hospitality and self-interest</p> <p>9.1 Is there a system for recording and approving receipt/offers of hospitality?</p> <p>9.2 Is there a requirement to declare, and a system for recording, conflicts of interest?</p> <p>9.3 Are records for gifts, hospitality and interest reviewed and acted upon where appropriate?</p>	
<p>10. Insurance</p> <p>10.1 Has consideration been given to insurance requirements of partnerships? (see Appendix 17)</p> <p>10.2 Has appropriate insurance been confirmed / commissioned?</p>	
<p>11. Risk assessment and Management</p> <p>11.1 Are systems/processes in place to assess and evaluate risks to the achievement of partnership objectives and as part of decision making processes?</p> <p>11.2 Is it clear how risks are to be managed?</p> <p>11.3 Are risk owners allocated and appropriate and monitoring arrangements clear?</p> <p>11.4 Is there a business continuity plan in place?</p>	

<p>12. Partnership Staff/Councillors</p> <p>12.1 Do you have and use an induction and training programme for new members which includes:</p> <ul style="list-style-type: none"> • Roles and responsibilities • Appraisal and approval procedures • Equal opportunities • Code of conduct <p>12.2 Are there clear arrangements for induction and access to training?</p> <p>12.3 Have staff development procedures (appraisal, training planning) been clarified to partnership staff?</p> <p>12.4 Does the partnership have agreed training aims and objectives which include time requirements for training and away-days for the partnership as a whole, and for individual members?</p> <p>12.5 Do you have a set of competencies for partners? (see Appendix 13)</p> <p>12.6 Do you appraise individual contributions to the partnership?</p> <p>12.7 Do you appraise the collective contributions of partnership staff or members?</p> <p>12.8 Are roles and responsibilities and expected behaviour clear and agreed?</p> <p>12.9 Have any secondments been made by or to the partnership?</p> <p>12.10 Is there a clear set of procedures to guide secondment arrangements?</p> <p>12.11 Is there a policy on recruitment to the partnership? Is it clear whose recruitment procedures are to be used?</p> <p>12.12 Are staff supervision arrangements clear and appropriate for partnership staff?</p> <p>12.13 Are Health and Safety responsibilities clear and understood by all Partners? Where partner organisations have 'management control' over council staff is it clear whose procedures are to be followed and who takes responsibility in the event of an incident?</p>	
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<p>13. Public Contact</p> <p>13.1 Is there a clear procedure for complaints, compliments and comments?</p> <p>13.2 Is there agreement over approval of promotion and publicity materials?</p> <p>13.3 Is there agreement on contact with public / media?</p>	
<p>14. Reviewing Partnership Effectiveness</p> <p>14.1 Does your partnership review its performance against agreed aims, objectives, targets and action plans?</p> <p>14.2 Do you have regular, good quality, performance management reports to the partnership board or management group?</p> <p>14.3 Does the partnership tackle issues where one or more partners are not fulfilling its role or objectives within the partnership?</p> <p>14.4 Do you undertake an annual review of the continuing appropriateness and effectiveness of the organisational structure and the partnerships way of working?</p> <p>14.5 Does your partnership require and act upon findings and recommendations from internal/external reviews?</p>	
<p>15. Exit Strategy</p> <p>15.1 Does the partnership have a succession / exit strategy?</p> <p>15.2 Have staffing/TUPE issues been addressed in any such planning/strategy?</p> <p>15.3 Ongoing revenue: Does succession planning include a policy on dealing with ongoing income and expenditure?</p> <p>15.4 Transfer of ownership: Is it clear who will own assets after the partnership ends?</p> <p>15.5 Successor bodies / ongoing commitments: Is it clear how ongoing commitments will be handled?</p>	

Appendix 5**Checklist of types of support provided to partnerships****Name of Partnership:****Checklist completed by:****Date:**

Check	Yes	No	Action to be taken
Financial Services: Payroll Financial Management Information Financial Services Information Technology Audit Information Services Insurance			
Legal: Legal Advice Accommodation			
Human Resources: Recruitment Training and Development Personnel Advice			
Marketing and Communications: Voice Chief Executive Briefings Noticeboards Meetings Intranet Internet Social media; Twitter, Facebook, Yammer			
Community Safety: Health and Safety Emergency planning Business continuity			

Appendix 6**General principles of conduct**

Selflessness	Members of the partnership should serve only the public interest and should never improperly seek or confer an advantage or disadvantage on any person or organisation.
Honesty and Integrity	Members of the partnership should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.
Objectivity	Members of the partnership should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
Accountability	Members of the partnership should be accountable to the public (where appropriate) for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
Openness	Members of the partnership should be as open as possible about their actions and those of the organisation they represent, and should be prepared to give reasons for those actions.
Personal Judgment	Members of the partnership may take account of the views of others, including those of political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
Respect for Others	Members of the partnership should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the local authority's statutory officers, and its other employees.
Duty to Uphold the Law	Members of the partnership should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
Stewardship	Members of the partnership should do whatever they are able to ensure that the organisation they represent authorises use of their resources prudently and in accordance with the law.
Leadership	Members of the partnership should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Appendix 7

Conduct and accountability

1.1 Introduction

This is intended as a guide, to indicate the standards of conduct and accountability which are expected of members who take up a position on a partnership board and other individuals involved in the (insert partnership). It is designed to assist the partnership as a whole, and all its associated groups, to function efficiently, and to understand what conduct is expected of individuals when they are operating as a member of the board, its sub groups, forums, task groups (and any other meeting which takes place under the auspices of the partnership).

Councillors and staff will, at all times, observe the Council's Codes of Conduct. Personal interests shall be declared in accordance with the "Local Authorities Model Code of Conduct) (England) Order 2001.

These guidance notes have been developed in line with the Nolan Principles (see Appendix 6) and seek to recognise that:

- Any board is made up of a diverse set of individuals with varying and sometimes **conflicting** interests, motivations, expectations and characters
- Any board is made up of a diverse set of individuals with varying but potentially **similar** interests, motivations, expectations and characters.

1.2 Equal Opportunities

Individuals must not discriminate against people they come into contact with during their work with, or on behalf of, the partnership on the basis of their disability, age, race, colour, nationality or ethnic origin, religion or belief, sex, marital status or sexual orientation.

All individuals will be expected to comply with equal opportunities legislation and the agreed equal opportunities policy of the partnership. We are all different and it is expected that this diversity will be respected and welcomed.

In all the partnership's work this will be demonstrated by:

- Treating others with **dignity** and **respect**
- Not making **assumptions** about a person or a group of people
- Not making **judgements** about a person or group of people
- Promoting equality by not **discriminating** unlawfully against any person or group of people
- Not doing anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the local authority.

1.3 Behaviour During Meetings

The vast majority of the work of the partnership will be undertaken at meetings, small and large. The effectiveness of these meetings is crucial because they will be:

- The principal decision making tool of the partnership
- Part of wider community and partner involvement

The behaviour of participants at a meeting is important to the success of the meeting. Many people lack the confidence to express themselves fully in a meeting with other people, whereas others may dominate the discussion.

Effective meetings can be achieved if all individuals are committed to some simple ground rules for behaviour before and during meetings:

- Individuals have a responsibility to be properly prepared for meetings, by reading the paperwork beforehand and by committing themselves to attending and participating in meetings, briefings and training events, as required
- Individual and personal disputes should not be allowed to affect conduct within the meeting, but should be resolved elsewhere
- All contributions should be addressed to the meeting through the Chair.
- Individuals wishing to speak should seek the attention of the Chair and wait their turn to speak only when directed by the Chair
- Individuals should not have “meetings within meetings” by discussing issues with other individuals or groups of individuals when another person has been directed by the Chair to speak. All comments and queries should be directed to the whole meeting through the Chair.
- Individuals should respect the contributions of others by not interrupting when someone is speaking, even when you may not agree with what they are saying.
- In contributing to the meeting, individuals will ensure that comments they make do not amount to a personal attack on or criticism of another individual and should avoid using heated, emotional and value loaded language and behaviour.
- Individuals should be constantly aware of their remarks, in terms of their equal opportunities responsibilities, and avoid the use of potentially offensive language and comments.
- Individuals should, above all, remember that partnership work means not always getting the decision you want and accepting the need to abide by majority decisions.

It is very important that decisions taken in meetings are well informed by having appropriate, accurate information and constructive debate on the topics concerned.

The wider local community must be able to feel that decisions, particularly those affecting the spending of public funds, are fair and have not been influenced by the

vested interests of those making these decisions. For this reason, one of the most important areas of appropriate behaviour during meetings, in addition to the above, relates to declarations of interest.

1.4 Declarations of Interest

Members of the partnership should have regard to the highest standards of behaviour in the conduct of public business and, in particular, should declare any personal or prejudicial interests they may have (as defined by the Council's Code of Conduct) on any matter under discussion.

At the beginning of a meeting, the Chair will ask individuals in attendance to declare whether they have any personal, prejudicial, financial or other material interest in any item on the agenda. The Chair and the remaining voting members of the meeting will then decide whether individuals declaring an interest must leave the meeting for the relevant item or just not take part in the discussion or decision making on that particular topic.

1.5 Behaviour Outside Meetings

It is just as important that individuals conduct themselves appropriately outside official meetings, since they will be seen by the public as representatives of the partnership and its views in other contexts, including non partnership meetings.

1.6 Confidentiality

Partnership meetings may occasionally receive information which is not in the public domain, often relating to individuals, or commercially sensitive matters. It is the responsibility of each individual to ensure that this information remains confidential to the meeting, unless prior authorisation has been given by the Chair for this to be discussed elsewhere. Individuals must never use confidential information for their personal advantage or the advantage or disadvantage of anyone known to them, or to disadvantage or discredit the partnership.

1.7 Hospitality and Gifts

Individuals must declare any gifts or hospitality they are offered in connection with their role within the partnership to the Chair/ Deputy Chair. Anything which could be construed as a means of influencing the way in which decisions of the partnership are made should be refused. Advice should be sought from the Chair/Deputy Chair if in doubt before accepting gifts or offers of hospitality. Councillors and staff will also need to ensure that they comply with the requirements of the Council's Codes of Conduct.

1.8 Conflict of Interest

There is a need for a partnership to adopt a formal written procedure for the avoidance of conflicts of interest. This should cover board members, trustees, directors, partners, employees and officers of a partnership, together with connected persons, including members of the same household. This applies, in particular, to decision-making as it relates to project appraisal /approval and, to the extent that it is within the partnership's remit, the letting of contracts or the provision of grant aid, other funds or material benefits.

It is acknowledged that many of those involved in a partnership will, due to its nature, have an interest of some sort, at sometime. However, such interests must not be allowed to result in actual or perceived undue benefit and consequently to unsound decision making.

Where a conflict of interest exists, or potentially exists, a declaration of interest should be made to the Chair of the appropriate meeting, as outlined in the meeting behaviours section. The Chair must ensure such declarations are recorded formally (in the notes/minutes of the meeting). The board member should then agree formally with the partnership as to his/her involvement with matters associated with the declared interest or, if the interest will inhibit the member's reasonable contributions on a frequent basis, then the member should not take part and should advise their Head of Service/Group Leader. Another individual could then be chosen to represent the Council.

The potential types of conflict of interest include:

- Where an individual or a connected person stands to gain financially from a partnership decision, either directly or indirectly. For example, where a project approval or decision on the letting of a contract would benefit an individual directly or an organisation or company the individual was involved with. This would also apply if a member of the individual's household would benefit or if they were similarly involved with an organisation or company who would benefit.
- Many individuals "wear more than one hat", i.e. some residents in decision making positions will be also employees of potential beneficiaries and some board members will be employees of partner organisations bidding for funds or contracts etc.

This can seem a confusing area for those not used to operating within these types of guidelines and, if in doubt as to whether a potential conflict of interest exists, this should be clarified with the Chair either before or during the relevant meeting.

Members must report any personal changes in circumstances which may create a new/perceived conflict of interest. Members must also discuss with the partnership any new issues of potential conflicts of interest or issues which impact on their role as an Elected Member for Newark and Sherwood District Council, as a result of changes to the aims/constitution/position of the partnership that could be contrary to the public or the Council's interest. Legal advice should be sought from the Business Manager Human Resources and Legal Services.

1.9 Duties

Councillors

Councillors must remember that, if they act as a trustee of a charitable partnership or body, then their first duty whilst acting as a trustee is to the Charity.

However, Councillors must remember that, when working within a partnership, they remain Councillors of Newark and Sherwood District Council and are still bound by the associated legal requirements, including the Council's Code of Conduct for Members. Members are reminded of Part 1, Paragraphs 5 and 6 of the Code:

5. "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute."

6. You: -

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority: –

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Councillors working/associated with a partnership continue to be bound by the Council's policies and procedures, constitution and financial regulations. They should actively encourage the partnership to follow similar practices and procedures and must immediately report to their Group Leader or the Chief Executive when they feel that the partnership is not acting in a manner acceptable to the Council or in the public interest.

Officers (staff)

Officers must remember that, if they act as a trustee of a charitable partnership or body, then their first duty whilst acting as a trustee is to the charity. However, Officers must remember that when working within a partnership they remain employees of Newark and Sherwood Council and are bound by their contract of employment, the Council's policies and procedures (including the Code of Conduct), Standing Orders and Financial Regulations. They should actively encourage the partnership to follow similar practices and procedures and must immediately report to their manager when they feel that the partnership is not acting in a manner acceptable to the Council or in the public interest.

Appendix 8 Protocol for Councillors

Protocol for Councillors Involved in any Work with Outside Bodies

1 Introduction

This protocol should be read and followed when working as part of a public/private/voluntary partnership, either directly representing the Council, in an advisory capacity or as part of an interest group.

Any issues within this protocol that you do not understand or require clarification should be discussed with your political Group Leader, Chief Executive, appropriate Chief Officer, or the Business Manager – Human Resources and Legal Services.

Councillors should ensure that a partnership agreement of some form is being used by all partnerships that they are involved in. An example framework for a partnership agreement is attached at **Appendix 10**. The agreement may be different for each partnership but the Elected Member should ensure that legal advice has been sought. A draft partnership agreement (specimen individual form of undertaking) is attached at **Appendix 10a**.

2 The Protocol

The Council supports the activities of partnership working and recognises the benefits to the community, but wishes to ensure that Councillors and the Council are not exposed to any unidentified and unexpected liabilities.

3 Definition of a Partnership

A partnership has:

An agreed framework for jointly delivering common goals, with:

- shared risk and resources, which provide
- identified added value and measurable impact, based on
- shared accountability for outcomes, which cannot be obtained in other ways.

4 Authority to become involved with a Partnership

Any Elected Member who is approached or wishes to become involved in a partnership should discuss the matter and the extent of their involvement with their Group Leader before accepting. The Group Leader may want to discuss the partnership and aspects of work with the Chairs Group or Chief Executive. The Elected Member should only accept or become involved after receiving approval from their Group Leader and appropriate Group Member and the approval of the Chief Executive, the appropriate Chief Officer, or the Business Manager – Human Resources and Legal Services.

It is the responsibility of the Business Manager – Human Resources and Legal Services, whilst discussing the Elected Member’s involvement within the partnership, to determine what the Elected Member’s role is and if they are representing the Council. The Elected Member and the Business Manager – Human Resources and Legal Services should also discuss and agree if any support and/or training are required. The Business Manager – Human Resources and Legal Services if required will arrange training via the Chief Executive.

It is the Business Manager – Human Resources and Legal Services responsibility to ensure that the relevant Chief Officer is aware of the Council’s involvement in any partnership. The Chief Officer should ensure that Legal Services and Financial Services are informed.

5 Prohibition on signing contracts

Councillors working for a partnership should not sign any contracts or legally binding documentation on behalf of the partnership or the Council. Elected Members are reminded that only authorised officers have power to sign documents of this nature.

6 Prohibition on provision of financial, technical or legal advice

Councillors should not provide financial, technical, or legal advice to a partnership. They should satisfy themselves that such advice is available and is taken when necessary and must ensure that the partnership arranges indemnity insurance as appropriate, details of which should be provided to the Council’s Insurance Officer. A requirement for either professional or trustee indemnity insurance will not always be appropriate; however, the cost of such insurance could be prohibitive for a small group with only a small income and no employees. In such circumstances, a “risk assessment” should be carried out to ensure that financial systems are in place to prevent financial or legal difficulties.

Appendix 9

Protocol for Officers

Protocol for Officers Involved in any Work with Partnerships, Outside Bodies, and Voluntary Groups

1 Introduction

This protocol should be read and followed when working as part of a partnership, either directly representing the Council, in an advisory capacity or as part of an interest group.

Any issues within this protocol that you do not understand or require clarification should be discussed with your manager/supervisor.

Officers should ensure that appropriate partnership agreements or governing documents are adopted by all partnerships in which they are involved. The agreement may be different for each partnership, but Officers should ensure that legal advice has been sought. A draft partnership agreement (specimen individual form of undertaking) is included in these appendices.

2 Personal responsibility of Officers

Officers must bear in mind that acceptance of a role as a charity trustee or company director (even if accepted as part of your work for the Council) is a responsibility personal to you. There will be responsibilities to the Charity Commission, and under company law, which must be fulfilled.

3 The Protocol

The Council supports the activities of partnership working and recognises the benefits to the community, but wishes to ensure that the employee and the Council are not exposed to any unidentified and unexpected liabilities.

4 Definition of a Partnership

A partnership has:

An agreed framework for jointly delivering common goals, with:

- shared risk and resources, which provide
- identified added value and measurable impact, based on
- shared accountability for outcomes, which cannot be obtained in other ways.

5 Authority to become involved with a Partnership

Any employee who is approached or wishes to become involved in a partnership should discuss the matter and the extent of their involvement with their appropriate manager (at least business manager level) before accepting. The officer may want to discuss the partnership and aspects of work with their Business Manager/Director.

The officer should only accept after receiving approval, in writing (or file note) from their Business Manager/Director.

It is the responsibility of the manager, whilst discussing the employee's involvement within the partnership, to be clear as to the role and if the employee approached is the most appropriate representative. Once the appropriate employee has been identified, then the manager should ascertain what, if any, additional support and training is required. The manager is responsible for arranging this training and support.

6 Notification to Business Manager, Human Resources and Legal Services and Financial Services

It is the manager's responsibility to ensure that the Business Manager is aware of the Council's involvement in any partnership and also to inform the business managers for Financial Services and Human Resources and Legal.

If the employee's manager is not readily available, then the next level of management should be informed and it is their responsibility to inform the business managers for Financial Services and Human Resources and Legal.

7 Notification to Directors

The business manager should inform their Director so that, if necessary, Directors can be informed of the new partnership activities.

8 Prohibition on signing contracts without legal advice

Officers working for a partnership should not sign any contracts or legally binding documentation on behalf of the partnership, unless written confirmation of legal advice that it is acceptable can be provided.

9 Provision of financial, technical or legal advice

If an employee provides financial, technical, legal or other advice to a partnership a written copy of the advice should be made and a copy provided to their line manager.

If the implications to the partnership of not following the advice could lead to an illegal act, health and safety issues, financial implications or other serious implications not in the partnership/public/Council's interest, then these should be made clear to the partnership when the advice is given and a written note provided. A copy of this should be provided to the business manager.

It is the responsibility of the Business Manager - Financial Services, when they are informed of the establishment of or Council's involvement in a partnership, to raise appropriate issues such as budgetary control and financial monitoring procedures and whether there are any VAT implications. Any agreement with the partnership to provide financial advice and support must be made after approval from the Business Manager - Financial Services.

Appendix 10 Draft partnership agreement

Draft Partnership Agreement

1. Aim
2. Partnership Principles
3. Purpose and Terms of Reference
4. Roles and Responsibilities
5. Membership and Terms of Office
6. Equalities and Inclusion
7. Accountability
8. Meetings
9. Declarations of Interest
10. Secretariat

Appendix 11 **Draft partnership agreement for partnerships accountable to Newark and Sherwood District Council**

A. Introduction

State that this is a partnership agreement between name of each partner.

B. Vision/purpose and objectives of the partnership

The vision / purpose of the partnership should be clearly stated. A vision describes what you want to see in place in the future.

The specific objectives for the partnership should be clearly stated. The objectives should be specific, measurable and practical so that you know what you want to achieve and whether you are achieving it. They should focus on outcomes and results rather than activities, i.e. what you will accomplish rather than on how you will work or what you will do.

C. Service provision

The services to be provided by the partnership should be clearly stated (including duration of partnership).

D. Running the partnership

Document the following:

- Partners' roles/duties/responsibilities
- Decision making procedures
- Secretariat role
- Identify ownership of assets
- Information sharing protocols/confidentiality Issues
- Risk management arrangements
- Project management arrangements
- Equality policy and objectives must be included (refer to Equality Standard)
- Employment/staffing Issues (covering employment, recruitment, discipline, standards of conduct, CRB checks, equality, secondments)
- Retention of records
- How will the partnership monitor and evaluate activities (e.g. scrutiny)?
- Organisational and management structure and reporting mechanism– it is sometimes useful to include an organisational chart indicating who is responsible for what and who is reporting to whom:

- Reporting mechanisms (How often, who reporting to and what reporting on)
- Performance management arrangements
- How will complaints be handled?
- Member Involvement (roles and responsibilities, democratic accountability, declaration of interests etc).

E. Financial matters

Where applicable document:

- Partnership capital
- Income and expenditure
- Grants and funding
- Banking and financial arrangements
- Accounting arrangements
- Liabilities and insurance arrangements
- Recharging for accountable body costs
- Making provision for tax payments and VAT

Internal Audit service access rights to all records maintained by all partners must be included within the Agreement.

F. Special circumstances

- Dealing with media
- The circumstances necessary to expel a partner
- Resolving disputes (what complaints procedure should be applied in the case of dispute between partners or from service users)
- Procedures for whistle blowing / anti-fraud
- Breaches of protocol procedures
- How variations to the Agreement will be handled

G. Dissolution

- Termination provisions
- Exit strategy (including liabilities)
- Final reporting
- At dissolution the partners should:
 - Inform any funders
 - Provide appropriate final reports
 - Share knowledge learned from the Partnership
 - Inform all stakeholders, clients etc as appropriate

- Identify the ownership of assets and make adequate arrangements for the distribution of these to the rightful owners upon dissolution.

H. Review

State when the agreement will be reviewed and by whom.

I. Other considerations

- Indemnities required (consult business managers for Human Resources and Legal Services and Community Safety)
- Bribery and Corruption clauses
- Conflicts of Interest

Appendix 12 Partnership agreement – specimen individual form of undertaking

Partnership Agreement

Specimen Individual Form of Undertaking (For Newark and Sherwood District Council Representatives on Partnerships)

Partnership Name:

1. Officer's Name: _____ Date: _____

You are required to be the representative of Newark and Sherwood District Council at the partnership.

The following is a list of your duties, responsibilities and requirements, and the resources available to assist and support you.

2. Your involvement in this partnership will commence on (Date) and continue until (Date).

3. The aims of being the representative are:
(Specify and timescale organisations expectations/vision for the partnership)

4. Your duties and responsibilities are:
(Specify)

5. Outcomes required
(Links to Council priorities and objectives)

6. Prior to joining the partnership, to attending the partnership meetings, and contributing to partnership sub groups and decision making, you will be briefed as follows:

(Insert name of manager/meeting/method/frequency of briefings)

7. After the meetings, and at points of change, prior to and following the making of major decisions, and for feedback and consultation you will keep the following informed:

(List people and/or meetings to be briefed, including keeping people in other Council service areas, etc. updated)

8. Code of Conduct, Procedures and Protocols

You will be expected to operate according to the Code of Conduct, within the Partnership Toolkit and operate within its policies and procedures. Any variation to this requirement must be discussed with your line manager, and prior notification and approval given to alternative versions (e.g. partnership policies and protocols). Your line manager will need to review and agree these protocols before you can give consent to these protocols as the Newark and Sherwood District Council partnership representative.

9. As part of the above agreement you will have access to the following support staff:

10. Monitoring and review of this form of undertaking

Example - Your progress in meeting partnership objectives will be monitored through your annual performance appraisal or by the partnership board, as part of the partnership's annual appraisal process. The outcome of the partnership review report will be copied to your line manager. The partnership review report together with your continued involvement in the partnership will be considered at your performance appraisal and will be used to assist your line manager in deciding how well you and this partnership is assisting the Council in meeting individual and corporate objectives.

11. Signed:

Date:

(Person assigned to partnership)

Signed:

Date:

(Line manager of person assigned to x partnership)

Appendix 13 **Terms of reference proforma**

Example Terms of Reference Proforma

Aim *(of the Partnership)*

Why the partnership has been formed, for example: To improve the quality of life of all those who live in, work in, and visit Newark and Sherwood.

Purpose *(of the partnership)*

The overall purpose of a partnership will be to agree to work together; to avoid duplication, and to ensure that shared resources are used within a best value framework. Those involved will be required to adhere to the values and responsibilities of the partnership. The partnership can be between one or more parties, and can operate at a strategic or local level.

Objectives *(of the partnership)*

- To ensure that any involvement in the partnership contributes to the achievement of the Council's corporate priorities and/or the Community Strategy aims and objectives.
- To ensure that any action contributes to the achievement of the targets within the Council's Corporate Plan.
- To ensure that the partnership contributes to the achievement of service delivery, which reflects best value
- To ensure that the partnership enables the Council to meet its statutory and legal obligations and not put the Council at risk.

Accountability *(of all the partners)*

- The Partnership will be accountable to the Council.
- Any recommendations made by the partnership that fall outside delegated powers shall be submitted to Cabinet or Chief Officers for consideration and approval, as appropriate.

Membership *(of the partnership)*

- The make up of the partnership, and who is invited to participate, (usually individuals are included, as their personal contribution will impact on the purpose of the partnership).
- Councillors and Officers of the Council need to ensure that they follow
- appropriate policy and protocol for working with outside bodies, to ensure that the
- Council is not exposed to any unidentified risk.
- Members of the partnership and their organisations must be non-party political in this role and the partnership must not have been established for purely religious reasons.

Frequency of Meetings *(of the partnership)*

- A schedule of meetings to be produced, where possible. The frequency of meeting to be dependent upon the partnership's action and implementation plans.
- There will be a requirement for an agreed period for special or emergency meetings.

Quorum *(of the partnership)*

The Quorum for meetings will be one third of the representatives of the partnership. (This needs to be flexible, if representatives from residents groups are on the partnership).

Chair and Deputy Chair *(of the partnership)*

- The Chair and Deputy Chair to be elected at the first meeting, unless it is stated in any partnership agreement who will be Chair/Deputy Chair.
- The partnership can agree to a permanent or rotating chair.

Administration *(of the partnership)*

- Administration of meetings, including the provision of meeting venues, the preparation of meeting notices and agenda, circulation of minutes to be agreed by the partnership and written into the agreement.
- Items for each agenda may be submitted not later than five working days before each scheduled meeting.
- Urgent items will be included by agreement of the Chair.

Changes to the Terms of Reference *(of the partnership)*

- The terms of reference will require the approval of the Business Manager - Human Resources and Legal Services.
- The terms of reference will be reviewed on a prescribed basis.

Appendix 14 Appraisal of legal and procedural aspects

Many local authorities become members of, or wholly own, companies that deliver public services. These are often referred to as “arm’s-length companies”. In fact, these have a strict definition in law. For the purposes of this toolkit, Newark and Sherwood does not currently have any companies that meet this definition. However, there are companies in which the Council has membership and/or a level of interest. In most cases, the Council is represented on the board by Councillors or Chief Officers. These companies are limited by guarantee and therefore, any personal liability is limited to the sum set out in their respective memoranda.

Examples of companies where the Council plays an active role include Newark and Sherwood Homes Limited.

Companies are governed by their own memoranda and articles of association. These set out the aims and objectives, classes of membership, management structure and general governance. Any Elected Member or officer representing the Council on company boards, or any of their management and operational sub-committees, will be bound by the memorandum and articles. However, the general rules and codes of conduct in respect of outside bodies and partnerships should also be observed. Indeed, those representing the Council may often be able to bring examples of model conduct, best practice and standard documentation to enhance the governance arrangements.

Before accepting company membership for the Council or any post within its structure, full appraisal should be undertaken and the appropriate authorisations sought. Where a company is being formed by the Council, the officers concerned should consult the Business Manager – Human Resources and Legal Services, who may be willing to act as Company Secretary. There are various formalities for registration and establishment of the company as a separate legal entity. Guidance and assistance is available from Legal Services.

The four main forms of legal entity which are formed are:

- Private Limited Companies
- Partnerships
- Limited Liability partnerships
- Industrial and Provident Societies

The main differences between them and the responsibilities of the directors are outlined below.

Private Limited Companies

A company consists of a board of directors and members. The functions of the company are governed by its constitution documents which are called the memorandum and articles. The Constitution sets out how the company functions and whether decisions are required to be made by the directors at a board meeting or by the company members at a general meeting.

A company director takes on a number of duties when agreeing to perform this role and although the directors' financial liability is limited to the amount stated in the company's constitution, they also agree to take on personal responsibilities in respect of the way they act. In the worst case, it is possible that as a result of their actions they may face criminal charges for e.g. fraudulent trading.

A Private Limited Company is subject to a number of disclosure requirements and accounting rules and the strict provisions of company legislation. The company will appoint a company secretary to ensure that these requirements are complied with: however, all directors are under a responsibility to ensure compliance. If the full and correct information is not recorded and maintained in respect of the company's activities, or information not supplied to Companies House, there may be sanctions.

Companies limited by guarantee may obtain charitable status. Charities are able by their nature and objects to raise funds and access grants more easily. There are specific criteria that must be met to qualify for charitable status. Details are available from Legal Services. Companies with charitable status report to the Charity Commission.

The vast majority of companies that involve local authorities are companies limited by guarantee, rather than by share capital. Companies with share capital are likely to be undertaking a commercial enterprise for a profit. In most cases, this will be inconsistent with the duties and functions of a local authority. Any proposal to establish or accept membership in such a venture must be first discussed with the Head of Legal Services.

Partnerships

Partnerships, as demonstrated by this Toolkit, are not subject to regulation in the same way as companies, charities and Industrial and Provident Societies. They can vary from a small group of like-minded individuals with a common purpose to a delivery vehicle for a capital project involving significant sums. However, the aim of this section of the Toolkit is to make users aware of the legal implications that would arise should any partnership venture take on the nature or identity of other more regulated models. There is also no reason why many of the assessment criteria set out in the Toolkit should not be used when evaluating the options the various formal structures illustrated in this section offer for delivery of your objectives.

Limited Liability Partnerships (LLPs)

LLPs are a fairly new but already popular way of constituting a legal entity offering limited liability for the partners and requiring a minimum amount of control by external bodies such as Companies House. The LLP, like a partnership, seems to offer more privacy and freedom than a company but Partners have the advantage of limited liability. Many former partner organisations are re-constituting themselves as LLPs. The LLP is also considered to be a more tax-efficient structure.

Industrial and Provident Societies

These are not registered under the Companies Acts, but with the Registrar of Friendly Societies. They are an alternative corporate structure that suits community projects. They have a separate legal status and the benefit of limited liability for members. I&PS cannot register as charities, but do enjoy similar advantages.

An I&PS must be an industry, trade or business, but this also must be a genuinely cooperative venture for the benefit of the community, not just its own members. There are clear synergies with local authority activities, although in practice, this model is relatively rare.

More detailed information on the types of structure, legal or otherwise, that a partnership could adopt, is available from Legal Services.

Appendix 15 Roles and responsibilities

Role of 'Link Officer'

- To provide a point of contact between the Council and the partnership.
- To assist the partnership's work with the Council.
- To facilitate the Council's input into the partnership.
- To support the Council's representative(s) on the partnership.
- To review performance against agreed procedures and targets and submit a formal report to the Business Manager/Director as required.
- To report on an exception basis to their Business Manager/Director and to CMT if any issues arise between formal reports.
- To alert relevant officers to any issues e.g. Internal Audit, Human Resources etc.
- To undertake an annual evaluation of the partnership's activity and make recommendations about any action required.
- To submit an annual evaluation report to their Business Manager/Director and to the CMT.

Role of Business Manager/Director (Sponsor)

- To report to CMT on progress with 'their' partnership(s) on a frequency to be agreed by CMT.
- To assess findings of review and evaluation and make formal recommendations.
- To contribute to the overall assessment of effectiveness of partnerships.
- To action any points arising from the review and/or evaluation.
- To identify any learning and development requirements.
- To ensure organisation benefits from learning and development.
- With link officers to troubleshoot any problems that arise in the day to day operation of the partnership which impact on or involve the Council.

Role of Business Manager – Policy and Commissioning

- To liaise with link officers and business managers to address any issues arising from the reviews and/or evaluations.
- To produce an annual report summarising the outcome of the reviews and evaluations.
- To identify any actions necessary.
- To identify learning from the past year and make recommendations as appropriate to ensure that the organisation benefits.
- To ensure fit with the Council's Performance Management Framework.

Role of Corporate Management Team

- To receive reports on individual partnerships and agree any actions which do not require a member decision.
- To ensure that partnerships are properly supported and that resources are provided to allow partnerships to succeed.

- To monitor overall impact of partnerships and advise Scrutiny/Cabinet on any further action required.

Role of Overview and Scrutiny

- To consider the annual evaluation report summarising Council involvement in partnerships, analyse and challenge outcomes, impact and direction.
- To identify and disseminate learning from the past year's activities and experiences.
- To make recommendations to Cabinet in response to the evaluation and the continued involvement or changes to partnership arrangements.

Role of Cabinet

- To receive a report annually from Overview and Scrutiny on the effectiveness of the Council's involvement in partnerships.
- To agree future direction and/or any actions arising from the evaluation.
- To assess the Council's continued involvement in partnerships.

Appendix 16 **Monitoring and review**

Performance Management

The Council's responsibilities set out within a partnership's action plan and any related performance indicators, targets or outcomes will be logged within the Council's Covalent performance management software.

These may be reported at least annually but depending on their importance to the delivery of the Council's priorities or for risk mitigation, progress may be reported monthly to CMT.

Annual Review

For Level 1 partnerships, it is recommended that an annual review is undertaken. There are several self assessment and peer review models available which can be undertaken by external agencies such as the LGA or Solace. For Level 1 partnerships it is advisable to discuss the available models with the Partnership's secretariat and to seek the Board's approval to proceed with a preferred model.

For Level 2 and 3 partnerships, periodic reviews may provide useful to keep the partnership focused on delivering outcomes or in determining whether to alter the Council's input. The Employers' Organisation toolkit may be a useful resource.

The Employers' Organisation for local government (EO), promotes learning and skills development which leads to more effective collaborative working. In response to requests, it has produced a toolkit to assist local authorities and their partners to make their partnerships more effective.

The toolkit can be used to:

- Do a quick health check of your partnership
- Assess your partnership in more depth
- Review the learning and skills needs you and your partners might have.

You can also take advantage of resources to help develop your partnership. A range of these can be found at:

http://www.nice.org.uk/niceMedia/documents/partnership_working.pdf

The Smarter Partnership's toolkit can be accessed at:

<http://www.educe.co.uk/?p=139>

Appendix 17 **Insurance considerations**

The following list highlights a number of areas where insurance decisions may need to be taken by the Partnership. In instances where the issue is relevant to the Partnership, further advice and information can be obtained from Finance and Information Services.

It is important to note that as part of risk management; insurance is one way of transferring risks. As insurance premiums rise and organisations increasingly self – fund risks, there is greater emphasis on risk management.

Area	Insurance Considerations
Employment of staff	Do officers involved in the partnership have appropriate cover for employer’s liability by their host organisations for their work in the partnership?
Use of physical assets – buildings, equipment, vehicles	Which party owns the assets and are they appropriately safeguarded in terms of security, control over use etc? Are the assets insured for identified risks (e.g. fire, theft, vandalism, accidental damage, third party etc)?
Responsibility for finances	Does the Partnership manage finances and are they protected by sound systems of internal control and policies covering fidelity etc.
Public Liability	Do officers involved in the partnership have appropriate cover for public liability by their host organisations for their work in the partnership?
Capital works	Is the Partnership involved in capital works and are appropriate arrangements in place for managing risks to works in progress?
Officers/Professional Indemnity	Do officers involved in the partnership have appropriate cover for their work in the partnership?
Members Indemnity	Do Members involved in the partnership have appropriate cover for their work in the partnership?

Appendix 18

Anti-Fraud and Corruption and Whistle-Blowing

Anti-Fraud and Corruption

The Council is wholly opposed to all forms of fraud, corruption or theft. It recognizes that fraud, corruption and theft undermine the standards of public service that is it the Council's aim to achieve, and that they also reduce the resources available for the good of the community.

The Council's Anti-Fraud Strategy is positively supported by councilors and officers and it was affirmed by:

- Administration, Finance and Information Systems Committee on 15th November 1999.
- Management Team on 28th September 1999.

Extracts from the Council's policy statement:

"Newark and Sherwood District is committed to the highest possible standards of openness, probity and accountability. As part of this commitment we will not tolerate fraud, corruption or theft by external agents and within the Authority, and will vigorously pursue prosecution where such instances are found. A further part of this commitment will be to implement a comprehensive, fair and balanced strategy in order to:

- develop an anti-fraud culture;
- deter, prevent, detect and investigate fraud, corruption and theft;
- seek appropriate sanctions against those who either perpetrate, or seek to perpetrate, fraud or corruption or theft; and
- seek redress in respect of any resources involved."

Partner organisations may have their own anti-fraud strategies and reporting arrangements but they should all be based upon the fundamental principles of maintaining the highest standards of probity and conduct in all affairs of their organisations and is a guide to all who play a part in protecting public money and assets. Expected standards of accountability, conduct and stewardship are all set out in the Partnership Toolkit.

It is essential that a strong anti-fraud culture is supported and promoted by all managers and councillors involved in partnership arrangements and that consequently all are alert to matters of fraud and corruption and understand how to respond to suspicions.

Examples of frauds and corruption include:

- Theft of assets (money, property etc).
- Falsifying records (income/payment records, inventories etc).
- Falsifying expense claims.
- Improper award of contracts.

Whistle-Blowing

The policy applies to:

- All Members of the Council.
- All employees of the Council.
- Contractors working for the Council on Council premises (for example agency staff).
- Suppliers and those providing services under a contract with the Council.
- People working in partnership with the Council, and its employees and Members (e.g. volunteers, trustees etc)

This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and to act upon concerns about Council practice.
- Provide avenues for you to raise those concerns and receive feedback on any action taken.
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- Reassure you that you will be protected from any possible reprisals and victimisation if you have a reasonable belief that you have made the disclosure in good faith.

This policy is intended to cover major concerns that may fall outside the scope of other procedures. These include:

- The unauthorised use of public funds.
- Possible fraud or corruption.
- Sexual or physical abuse of both employees and clients.
- Health and Safety risks (including risks to the public as well as other employees).
- Conduct which is an offence or breach of law.
- Disclosures related to miscarriages of justice (i.e. where the Council has acted improperly or unfairly).
- Damage to the environment.
- Other unethical conduct.

If you need further advice contact Financial Services on Ext 5317.

**Newark and Sherwood District Council
Value For Money (VFM) Strategy**

Approved by Cabinet on 20th September 2007

Introduction

Newark and Sherwood District Council recognises its responsibility to achieve value for money from all its activities, however they may be funded.

Newark and Sherwood District Council is committed to the pursuit of economy, efficiency and effectiveness as part of its corporate strategy. The Council will seek to achieve Value for Money in the delivery of its objectives and in the delivery of all services.

The Council has a neutral position on service delivery methodologies. It will consider all service delivery options, including in-house provision, partnerships with other public sector organisations (including shared services), partnerships with private sector organisations and bought in services as appropriate for individual services or groups of services.

With the current focus on public expenditure providing value for money, it is inevitable that the annual revenue and capital budget setting will be challenging each year. The Council has a range of methodologies in place to ensure that its Vision and Priorities are delivered within an acceptable level of Council Tax. The Value for Money Strategy is a key element of this process

Value For Money Principles

The main principles involved in value for money are:

Efficiency – the relationship between the level of performance and the amount of resources used

Effectiveness – the ability to achieve stated goals or objectives, judged in terms of both output and impact.

Economy – the acquisition or use of resources of an appropriate quality at minimum cost

The value for money principles involve several aspects, such as:

- balancing effectiveness with efficiency;
- sustaining the funding arrangement (where this is desirable); and
- demonstrating the most appropriate use of resources.

In summary, Value for Money can be defined as:

the use of available resources in an efficient and economic way to deliver effective services or achieve desired outcomes.

The Council is accountable for using resources efficiently to avoid wasting public funds. But this does not mean always seeking the lowest short-term cost. Waste occurs when a service – no matter how cheap or expensive – is ineffective. Effectiveness and efficiency should be balanced to achieve value for money.

The costs and benefits of each arrangement must be evaluated in terms of what the Council seeks to achieve.

The Council will manage any risks to its own interests, and to use arrangements and processes such as monitoring, review, and evaluation to meet its need to demonstrate effectiveness and value for money.

At the planning stage, the Council should be able to justify how it intends to apply its resources. It should also be able to demonstrate that the policy is having the desired effects, and that the money is not going to waste. If there are unintended outcomes from its policies, the Council needs to be aware of these, and adapt its funding arrangements to take them into account.

Objectives

To achieve good VFM, the Council will:

- target resources towards achieving the Council's objectives and meeting the needs of local people;
- integrate VFM principles within existing management, planning and review processes, including best value reviews;
- adopt recognised good practice as appropriate;
- analyse potential budget issues for the following financial year at an early stage and take a corporate approach to considering budget issues;
- undertake VFM studies on areas of activity identified by the Service Review Working Party;
- benchmark activities against other similar activities and organisations where appropriate;
- respond to opportunities to enhance the economy, efficiency and effectiveness of activities;

- promote a culture of continuous improvement;
- demonstrate actively to both internal and external stakeholders that the achievement of VFM is sought in all activities undertaken;
- ensure that all staff recognise their continuing obligation to seek VFM for the Council as part of their activities;
- seek external funding where appropriate to support the Council's services where the external funding assists the achievement of the Council's objectives.

Methodologies for achieving VFM

The Council has a number of different methodologies that contribute to the achievement of VFM. These include:

- Best Value Reviews
- Identification of growth and savings through the budget process (supported by the Revenue and Capital bidding and appraisal systems)
- Effective use of IT (Supported by the ICT Strategy)
- Service Reviews
- Scrutiny Committees
- Audit and Accounts Committee
- Corporate procurement mechanisms (Supported by the Procurement Strategy and Policies)
- Partnership Working, including consideration of shared services and public/private partnerships
- Customer feedback
- Lean reviews
- Commissioning

Responsibility for delivering VFM

The responsibility for VFM lies with all Members and staff and is not restricted to those with resource or financial responsibilities. The Council is required to satisfy itself that VFM is being sought and achieved from the use of public funds.

Managers have the responsibility to maintain an awareness of good practices in their own area of operation and to ensure that these are followed appropriately.

All staff and Members should endeavour to seek and achieve VFM in all activities and to bring to management's attention any opportunities for improvement.

The Corporate Management Team will provide a corporate overview of VFM to ensure that initiatives are not restricted to individual business units.

Appendix 20

Guidance on Risk Management in Partnership Working

Problems arise in partnerships when governance and accountability are weak, i.e. when leadership, decision-making, scrutiny and systems and processes such as risk management are under-developed.

In order to meet best practice, local authorities must meet two key responsibilities for each partnership they have. They must:

- Provide assurance that the risks associated with working in partnership with another organisation have been identified and prioritised and are being appropriately managed
- Ensure that the partnership has effective risk management procedures in place.

There are two aspects to risk management in partnership working:

From the Council's perspective

What are the risks that the Council faces in being involved in the partnership?

This risk identification exercise must be undertaken before partnership working commences and should be incorporated into the business case.

Risks that should be considered and may apply include:

- Financial risk
- Legal risk
- Reputation risk
- Resource conflicts
- Reliance on a partner to deliver the Council's objectives and how key these objectives are
- The partners track record in managing risk
- Risk specific to the nature of the partnership or its objectives and a viable exit strategy should the partnership fail.

The risks identified initially in the business case should be transferred to a risk register which will be updated, managed and monitored by the service involved in the partnership in the same way that a project risk register would be maintained for the life of a project.

CMT may determine that the partnership risk is so high that the partnership should be entered on the Council's strategic risk register.

From the partnership's perspective

The lead organisation should seek assurances from prospective partners to determine:

- How well is risk management embedded in the business?
- Does their risk management methodology conform to good practice?
- Who are the key players involved?

As a minimum the Council must undertake a pre-partnership risk assessment for its own purposes and other partners may have done the same. If there is a willingness in the partnership to share these risks, this could form the basis of a partnership risk identification exercise and joint risk register.

If the lead organisation has a tried and tested risk management strategy and methodology consideration might be given to applying this to the partnership. Guidance on the Council's approach is given in the Risk Management Toolkit.

Other considerations are:

- How will shared key risks be reported to management?
- What will the arrangements be for joint risk registers?
- How will action plans be prioritised?

Risk within the partnership will include some of the risks already identified through the pre-partnership risk assessment, but others to consider may be:

- Lack of 'buy in' from all partners.
- Confused governance arrangements, e.g. financial control, reporting arrangements etc.
- Organisational culture differences.
- Partnership is seen as Council led.
- Risks inherent in professional judgement/activity, e.g. care of the vulnerable
- Failure of the supply chain.
- Reliance on IT system or equipment.
- Change in national or local government policy.
- Customer satisfaction/perception.
- Staff recruitment/retention/skills.
- Data protection, data reliability and data processing.

Developing a partnership approach to risk management can have the following benefits:

- A common understanding by all partners of the risks and opportunities and how they will be managed.
- An environment that allows the partnership to anticipate and respond to change.
- Minimise surprises, loss and cost of risk for all partners.
- Raised risk awareness and enhanced accountability.
- Enhanced communication.
- Improved basis for allocation of resources and delivery of better services

The partnerships have already been graded as follows and the risk management expectations are also listed:

Grading	Level 3 Minor partnerships	Level 2 Medium size partnership	Level 1 Major Partnership
Criteria	<ul style="list-style-type: none"> • Expenditure of up to £50K • Minimal resource commitment • If partnership fails then the fallout is an inconvenience • Partnership does not impact in a material way on key priority services or strategic objectives • Minimal reputation impact 	<ul style="list-style-type: none"> • Expenditure between £50K and £250K • Moderate resource commitment • If partnership fails then the fallout is an short term problems • Partnership does impacts in a moderate way on key priority services or strategic objectives • Moderate reputation impact (local papers) 	<ul style="list-style-type: none"> • Expenditure greater than £250K • Considerable resource commitment • If partnership fails then the fallout could potentially stretch beyond a couple of weeks and have longer term service implications • Partnership does impacts in a serious way on key priority services or strategic objectives • Serious reputation impact (national journals)
Risk management expectation	Limited	Moderate	Robust

The Level 1 partnerships are expected to have robust arrangements in place. A risk management matrix is included later within this Appendix accompanied by a list of potential risks.

Business managers are required to complete risk management action plans using the template.

NEWARK & SHERWOOD DISTRICT COUNCIL – PARTNERSHIP RISK MANAGEMENT

What is a partnership in this context?	A partnership is defined as “ an agreement between two or more independent bodies to work collectively to achieve an objective” It is imperative that where the council relies on another organisation to achieve our objectives then we must be confident that the key risks have been identified and are being managed.		
What is the grading of the partnership?	Expenditure greater than £250K, considerable resource commitment, failure has significant repercussions, Impact on priorities and key objectives and serious reputation damage nationally	Expenditure greater than £30K, less than £250K, moderate resource commitment, failure creates short to medium term problems, moderate impact on priorities and key objectives and reputation damage locally	Expenditure up to £30k, minimal resource commitment, failure is an inconvenience, limited impact on priorities and key objectives and minimal reputation damage
Risk management expectations	ROBUST	MODERATE	LIMITED
Key elements to enable a risk assessment to take place	Ensure objectives and milestones have been defined, ensure that key parties all contribute, adopt template consistency, ensure that risk management does not become a " one-off"		

Likelihood Score

Very High	A			3,5	
High	B				8,10
Significant	C		4		
Low	D				12
Very Low	E			8, 13	
Almost Impossible	F				
		1	2	3	4
		Negligible	Marginal	Critical	Catastrophic
		Impact Score			

- Considerations when assessing the risks
1. Capture risks as cause and consequence to enable greater ease of prioritisation and mitigation.
 2. Do not attempt to manage every risk (focus on the red and amber risks).
 3. Ensure that red risks as a minimum are reported to CMT on a regular basis.
 4. Ensure that red risks are raised with partners and assurances gained.
 5. Ensure the allocation of risks between parties is clearly

NEWARK & SHERWOOD DISTRICT COUNCIL – PARTNERSHIP RISK MANAGEMENT

RISK PROMPT SHEET

There are so many potential risks there is a need to focus on the key risks. It may be useful to begin by focusing on what you see as the top “five” initially

Strategic / commercial risk

- Collaborative advantage for working together cannot be defined
- Under-performance to specification (time / quality / cost)
- Partnership initiative is incompatible with other areas
- Excessive dependence on one partner
- Collapse of contractors
- Financial shortfall in business plan
- Over ambitious

Economic / financial / market

- Proposal not attractive enough to market
- Problems in the affordability case
- Savings cannot be quantified or obtained
- Unanticipated financial costs
- No objective approach to sharing costs
- Development costs too high
- Input costs escalate e.g. fuel
- Failure to meet projected revenue targets

Law and regulatory

- Adherence to current legislation

- Lack of robust underpinning agreement
- New or changed legislation
- Challenges e.g. TUPE, licences
- Failure to obtain appropriate approval e.g. planning

Organisational / management / human factors

- Poor leadership / lack of buy-in
- Lack of clarity over status of partnership
- Cultural issues – do not embrace change
- Inadequate management practices
- Key people cannot devote required time
- Not all key stakeholders engaged
- Unclear roles and responsibilities
- Unclear outcomes / milestones / plans
- Business continuity event e.g. fuel strike, pandemic
- Industrial relations / union opposition
- HR policy incompatibilities
- Unwilling to commit appropriate resources
- Lack of capacity in key areas
- Lack of skills in key areas (internal and external)
- Inappropriate communication style

Political

- Lack of shared vision
- Lack of political support
- Friction between partners
- Inability to make decisions at key points
- Adverse public opinion / media intervention
- Key stakeholder negative stance or intervention

Environmental

- Natural disasters
- Site contamination
- Storms, flooding, tempests

Technical / operational / infrastructure

- Inadequate design / poor design
- Professional negligence
- Human error / incompetence
- Infrastructure failure
- Inherent structural issues
- Construction problems
- Changes in service demand
- Ownership risks over assets e.g. vandalism, fire, flood or theft

Risk Allocation	Attempt to ensure that risks are allocated to the appropriate party. Risks should be allocated to the party who is best placed to manage the risk. For risks where the allocation lies with the Council then we must ensure that robust mitigation measures are in place.
Due Diligence	Seek assurances as to a partners risk management process. Robustness can be determined by asking a few simple questions
Exit Strategy	For key partnerships ensure there is an Exit Strategy. This strategy should deal with assets, skills required, data, intellectual property.

Risk:

Risk Owner:

Likelihood	A				
	B				
	C				
	D				
	E				
	F				
		IV	III	II	I
Impact					

Risk Number	Current Risk	Target Risk	Description

Action/controls already in place	Adequacy of action/ control to address risk	Required management action/control	Responsibility for action	Critical success factors & KPI's	Review frequency	Key dates

APPENDIX 21 Performance report template

The framework below should be used to prepare performance reports about the partnership.

The appropriate header must also be included for reports that are presented to CMT, Cabinet and the Overview and Scrutiny Committees.

Basic information regarding the Partnership:

- Partnership Name
- Lead officer
- Lead councillor
- Key strategic document guiding the partnership's work
- Timeframe

Brief description of monitoring arrangements:

- Frequency of reporting
- Who the partnership reports to
- Who audits the partnership

Performance Management:

- The partnership's key outcomes, objectives and targets and performance against these
- The specific responsibilities of the Council must also be identified
- Slippage or variances to be noted
- Proposed remedial action and timescale regarding slippage where necessary

Budget report:

- Forecast and Actual expenditure for the Partnership
- Identify the Council's forecast and actual expenditure and ongoing commitments
- Details of contracts let

Variations to the Partnership Agreement:

- Compliance/non-compliance with the Partnership agreement and remedies
- Any proposal to vary the Partnership agreement

Any general problems or potential improvements

Summary of agreed actions, responsibilities and timescales.

APPENDIX 22 Partnership suggested complaints process

Partnership Complaints Process

1. Suggested Process

- 1.1 Statutory organisations already have in place complaints procedures for members of the public to use if they are unhappy with the service. The procedures for these are usually quite standard with published response times, registers, appeals information etc.
- 1.2 Therefore it should be possible for a partnership to tap into the individual complaints procedures of each member organisation rather than draw up new policies or procedures.
- 1.3 It is therefore suggested that any complaints made can be sent to the partnership's secretariat where they will be logged in a complaints register and acknowledged within 5 working days.
- 1.4 Complaints about partnerships can be complex and involve one or more organisations. Details are set out below of how complex complaints can be dealt with and a flow chart is at Appendix A.

1.4.1 Complaints within the remit of only one partner

On receipt of a complaint, which falls wholly within the remit of one partner, the partner's complaints lead will ensure that the complaint is fully investigated and responded to in accordance with their complaints procedure.

1.4.2 Complaints within the remit of two or more partners

Where a joint response from two or more partners is needed, one partner will normally take the lead, usually the partner responsible for the largest proportion of the issues raised, and ask the other partners to consider the aspects within their own remits. The lead partner will then be responsible for communicating with the complainant and providing a single response to all concerns raised, after receiving the agreed contributions of the other partners.

If partners cannot agree on a joint response, the issues raised will be separated and all partners involved will respond on those matters within their responsibility, while ensuring jointly that there are no omissions of response to any points of complaint. Any differences of view between partners will be dealt with in accordance with the provisions at paragraph 1.5 below.

Complainants will be granted a conciliation review under these provisions if dissatisfied with conflicting responses from different partners. Each partner will record on their own complaints database the details of

complaints involving partners, including cases they contribute to as a subsidiary partner.

2. Complaints where the subject matter is outside the remit of the partner or responsibility is unclear

- 2.1 Partners will take responsibility for correctly allocating, and forwarding to the correct partner, any complaints they receive that are outside of their remit. This will normally be within two working days of receipt. They will inform the complainant of the contact details of the partner to whom they forward the complaint. The partnership's secretariat and the complaints leads of other partners will provide advice and guidance as required to assist in such cases.

3. General partnership matters

- 3.1 Some complaints may concern general partnership matters, such as consultation about a strategy or funding arrangements. Where such a complaint is not clearly the responsibility of another partner, the partnership's secretariat will ensure that the complaint is effectively dealt with by the appropriate partner(s).

4. Behaviour of partner representatives

- 4.1 Newark and Sherwood District Council's Standards Committee, effectively an independent body, could receive further unresolved complaints about the conduct of specific individuals.

5. Independent bodies and Ombudsman organisations

- 5.1 It may also be relevant for complaints to be referred to the independent organisations for each partner and Appendix B contains further information about their remits and contacts details including:

- Independent Police Complaints Commission
- Local Government Ombudsman
- Parliamentary and Health Service Ombudsman
- Housing Ombudsman
- Charity Commission

6. Confidentiality

- 6.1 Partners will protect client confidentiality and ensure that client consent is obtained when someone is acting on behalf of someone else. This duty of consent and confidentiality will be interpreted in accordance with partners' procedures.
- 6.2 Whilst the confidentiality of a complainant is important, this should never stop a partner forwarding a concern highlighted in a complaint to another partner or other relevant organisation, with or without the consent, if a particularly serious risk or high-level concern is identified (e.g. child protection or adult abuse issues). In some areas there may be a legal requirement to share information. The presumption in such instances will be in favour of dealing with the risk rather than the protection of complainant's confidentiality.
- 6.3 Confidentiality will not be used as a reason to avoid dealing with a complaint.

7. Remedies - putting things right (redress)

- 7.1 Partners will ensure that appropriate action is taken to put things right when a mistake has been made that adversely affects a service user or resident. This will normally be in line with relevant best practice Ombudsman guidelines.
- 7.2 Redress may include an apology, financial compensation, staff guidance, procedural changes or service improvements. Where applicable, this provision will be interpreted in accordance with partners' statutory and established complaints processes.

8. Supporting complainants

- 8.1 Partners will keep complainants informed of the progress of their complaints, including the stage at which it is being considered, the applicable timescales, and the reasons for any delay.
- 8.2 When dealing with complaints, partners will take account of complainants' special needs, including language, culture and disability, in accordance with their own procedures. Where appropriate, partners will consider the option of conciliation or mediation to assist early resolution, and provide access to local sources of independent advocacy and advice.

9. Publicity and Communications

- 9.1 All partners will publicise this protocol, their own and relevant statutory complaints arrangements, and other appeals procedures, in appropriate written and electronic media to increase public and staff awareness.

10. Staff training

- 10.1 Partners will train their staff dealing with complaints, so that they understand their procedures and have the right skills to resolve problems quickly, and so that investigations of complaints are rigorous and evidence-based with clear, well-explained decisions.

11. Learning from complaints

- 11.1 Partners are strongly recommended to develop and implement systems to learn from complaints to improve their services.

12. Monitoring and review

- 12.1 Where the local authority exercises a function through any other body, it will ensure that the arrangements provide for effective monitoring and review of complaints handled by that body, including a requirement to provide it with such access to evidence as it may request. Any review will identify learning points arising from complaint outcomes.

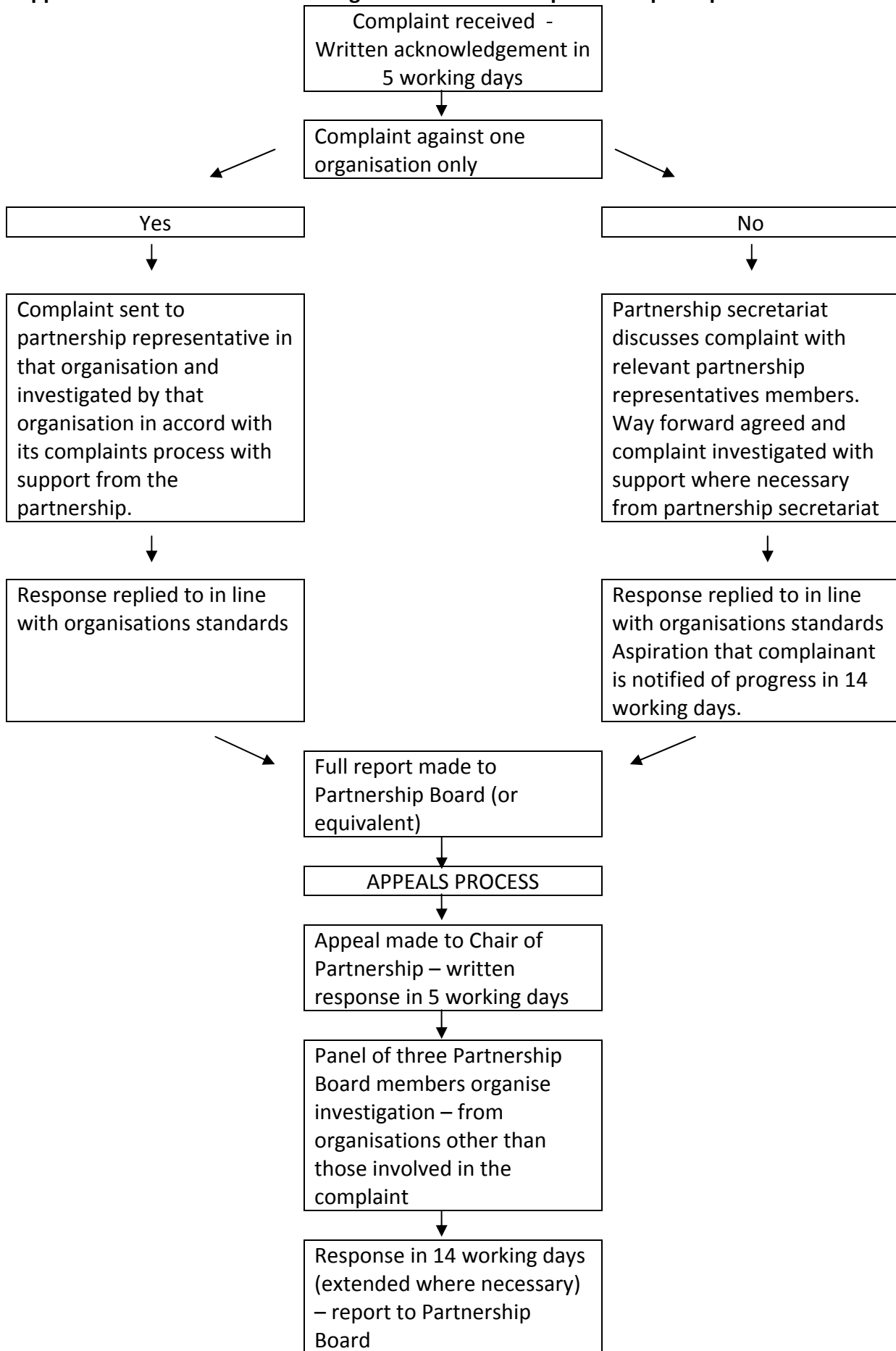
13. Advice, assistance and guidance

- 13.1 The relevant complaints leads of partners will provide advice, assistance and guidance to each other within their areas of expertise.

14. Review of protocol

- 14.1 This template will be reviewed on an annual basis.

Appendix A – Flow chart illustrating how to deal with a partnership complaint



Appendix B – Independent bodies investigating complaints

<p>Independent Police Complaints Commission</p> <p>The IPCC oversees the police complaints system and sets the standards by which the police should handle complaints. It is independent, making its decisions entirely independently of the police, government and complainants. The IPCC considers appeals from people who are not satisfied with the way the police force has dealt with their complaint.</p> <p>Each police force has a Professional Standards Department (PSD) which is responsible for considering complaints and conduct matters involving police officers and police staff within their force. The majority of complaints received by the IPCC are passed to the PSD for them to resolve.</p> <p>In addition, police forces must refer the most serious cases to the IPCC and, where the public interest requires it, the IPCC may decide to investigate, manage or supervise a police investigation.</p> <p>The IPCC is also responsible for the way serious complaints and conduct matters are handled against staff working for the:</p> <ul style="list-style-type: none"> • Serious Organised Crime Agency (SOCA) • HM Revenue and Customs (HMRC) • UK Border Agency (UKBA) 	<p>Customer Services: 0300 020 0096 (press 1 at prompt - 9.00am - 5.00pm)</p> <p>Switchboard: 0300 020 0096 (press 2 at prompt - 9.00 am - 5.00pm) Please note for our joint protection and training purposes calls may be recorded</p> <p>Mincom: 020 7404 0431 Fax: 020 7404 0430 email: enquiries@ipcc.gsi.gov.uk</p> <p>If you are a deaf or hard of hearing you can contact the IPCC using Text Relay. Please use the following number: Text Relay: 18001 0207 166 3000</p>
<p>Local Government Ombudsman</p> <ul style="list-style-type: none"> • Councils (district, borough, city or county, but not town or parish) • School admission and exclusion appeal panels • Schools • Adult social care providers • Joint boards of local authorities • National park authorities 	<p>For advice on making a complaint, or to make a complaint over the telephone, please call the LGO Advice Team on 0300 061 0614 or 0845 602 1983. (Calls to 03 numbers will cost no more than calls to national geographic numbers (starting 01or 02) from both mobiles and landlines, and will be included as part of any inclusive call minutes or discount schemes in the same way as geographic</p>

<ul style="list-style-type: none"> • Internal drainage boards • Police authorities (but not about the investigation or prevention of crime) • Fire and rescue authorities • The London Fire and Emergency Planning Authority • The Greater London Authority • London TravelWatch • Transport for London • The London Development Agency • Urban development corporations • The Homes and Communities Agency (planning matters only) • The Norfolk and Suffolk Broads Authority • The Environment Agency (flood defence and land drainage matters only) 	<p>calls. Please note that calls may be recorded for training and quality purposes.)</p> <p>The Advice Team are available Monday to Friday from 8.30am to 5.00pm, except for the period 9.30am-10.30am, Tuesday to Friday. You can also text 'call back' to 0762 480 3014. And you can contact us using a textphone via the Text Relay service (formerly Typetalk).</p> <p>There are currently two Local Government Ombudsmen in England. Each of them deals with complaints from different parts of the country, but all new complaints will go to the LGO Advice Team (see above). Make your complaint over the phone, or send it to:</p> <p>The Local Government Ombudsman PO Box 4771 Coventry CV4 0EH</p> <p>Fax: 024 7682 0001</p>
<p>NHS (Parliamentary and Health Service Ombudsman)</p> <p>Every NHS organisation has a complaints procedure. If you want to complain about an NHS service, for example, a hospital, GP or optician, ask the service for a copy of their complaints procedure which will explain what you need to do.</p> <p>Your first step will normally be to raise the matter with the NHS service concerned. You may choose to do this in writing or by speaking to them. They may be able to resolve your concerns without the need to make a more formal complaint.</p> <p>This first stage is called local resolution. It aims to resolve complaints quickly and most cases are resolved at this stage.</p> <p>If you're unhappy with the response to your complaint after local resolution, you can complain to the Parliamentary and Health Service Ombudsman. The Ombudsman carries</p>	<p>You can call the Ombudsman's Complaints Helpline on 0345 015 4033 or see their website www.ombudsman.org.uk for more information.</p> <p>You can also raise your concerns by contacting regulatory bodies, such as the Care Quality Commission using its online form at www.cqc.org.uk</p> <p>You can contact CQC at:</p> <ul style="list-style-type: none"> • enquiries@cqc.org.uk • Telephone: 03000 616161 • Fax: 03000 616171 <p>Opening hours are Monday to Friday, between 8.30am and 5:30pm.</p> <p>CQC National Customer Service Centre Citygate Gallowgate Newcastle upon Tyne</p>

<p>out independent investigations into complaints about government departments, their agencies and the NHS.</p>	<p>NE1 4PA</p>
<p>Housing Ombudsman Service</p> <p>The Housing Act 1996 (amended by the Housing & Regeneration Act 2008) requires all social housing providers to belong to the Service. It includes all providers registered with the Tenant Services Authority, such as landlords, managing agents, and developers.</p> <p>The Service also covers certain non-social housing providers.</p> <p>Our remit does NOT yet include local authority housing: council tenants must complain to the Local Government Ombudsman, www.lgo.org.uk until 31 March 2013</p>	<p>Housing Ombudsman Service 81 Aldwych London WC2B 4HN</p> <p>Telephone: 0300 111 3000 Fax: 020 7831 1942 Email: info@housing-ombudsman.org.uk</p> <p>www.housing-ombudsman.org.uk</p>
<p>Charity Commission</p> <p>The Charity Commission is the independent regulator for charitable activity.</p> <p>If you have a concern about a charity's work, you should first speak to the charity. The Charity Commission regulates charities in England and Wales and only gets involved if there's a risk of serious harm to a charity.</p> <p><u>When you should speak to the charity</u></p> <p>You should raise your concern with the charity unless the issue is serious. The Charity Commission makes sure charities in England and Wales comply with charity law. It can't get involved with concerns about:</p> <ul style="list-style-type: none"> • the services a charity provides • employment issues, eg unfair dismissal • fundraising methods • internal disputes, eg disagreements with decisions 	<p>www.charity-commission.gov.uk</p> <p>There is an online email form on the above website.</p> <p>If you need to speak to someone over the phone you can call Charity Commission First Contact on 0845 300 0218. Lines are open from 09:00 to 17:00, Monday to Friday, except national holidays.</p> <p>Charity Commission First Contact PO Box 1227 Liverpool L69 3UG</p> <p>If you have a concern about a charity's fundraising activities you should read the guidance on the Directgov website at: www.direct.gov.uk</p>

- contracts the charity has with other organisations
- policies or things the trustees have done that are within their powers

What's a serious issue?

Tell the Charity Commission if there's a risk of harm to a charity or its assets or the people it is set up to benefit. Serious issues include:

- the charity loses a lot of money
- serious harm to people who benefit from the charity
- threats to national security, eg terrorism
- criminal activity within or involving the charity
- sham charities set up for illegal or improper purposes
- charities being used for private advantage
- when a charity is not following charity law and this has serious consequences, damaging charity reputation or the Charity Commission's reputation