

5.6 Part 5.6 — Code Of Practice For Partnership Working

Paragraph	Subject
5.6 – 1	Introduction
5.6 – 2	Documentation for Formal Partnerships
5.6 – 3	Partnership Financing
5.6 – 4	Insurance
5.6 – 5	Employment Issues
5.6 – 6	IT, Data Protection and Requests for Information Issues
5.6 – 7	Performance Management
5.6 – 8	Compliance with Policy
5.6 – 9	Human Rights Act

5.6 – 1 Introduction

Working in partnership or collaboratively with others may or may not mean that a formal partnership has been entered into. This Code of Practice has been prepared to promote awareness and understanding of the way the Authority operates, particularly when providing leadership to the community in partnership with citizens, businesses and other organisations. The Authority is keen to promote effective partnership working and therefore feels it is important that its many (potential) partners understand the values and principles which govern the Authority such as openness and accountability. In particular, the relevant requirements of corporate governance need to be understood and applied (including knowing whether or not any particular partnership is a separate legal entity). Examples of partnerships include the Amber Valley Community Safety Partnership and the D2N2 Local Enterprise Partnership.

In dealing with its partners the Authority will seek to apply the following core principles:

- Treat all potential partners as equals to foster confidence in communities and groups
- Be clear what will be delivered in return for investment and expect organisations to provide relevant information for project monitoring in a timely manner

- Identify an Officer as a contact for each partnership or individual project
- Decide at an early stage whether it wishes to appoint Member or Officer representatives to a board or management group or take a ‘hands off’ approach i.e. what advantages or disadvantages would there be to an appointment by the Authority (contrast with appointments made by the organisations themselves)?
- When making an appointment, set out clearly the role and responsibilities of the Member or Officer and arrangements for reporting to the Authority (including what authority, if any, the Member can lawfully exercise on behalf of the Authority and in whose interests the Member is required to act in order to avoid any conflict of interests or perceived conflicts of interest)
- Be aware that organisations may seek outputs and activities over and above those funded or endorsed by the Authority as a partnership
- Take a flexible approach relative to the financial commitment, timescale, structure and objectives of partnerships
- Be prepared to take a leading or subordinate role, depending on circumstances
- Be willing to finance projects, subject to satisfactory legal and financial safeguards
- Ensure that the principles of transparency, financial integrity, probity and accountability are observed when funding or participating in partnerships
- Avoid providing formal professional advice to partnerships unless it is part of a legally constituted body, and authorised to do so by law and by the Executive Director (Resources)

5.6 – 2 Documentation for Formal Partnerships

There must be a formal Agreement which will specify amongst other things:

- The objectives and expectations of all parties
- Lead and subordinate roles
- The extent of the Authority’s legal and financial liabilities
- The means of monitoring outputs and
- Board Membership, where appropriate

Each proposal must be referred to the Head of the Paid Service who will advise on the extent and content of partnership documentation.

5.6 – 3 Partnership Financing

All proposed initiatives must be referred to the Executive Director (Resources) for

financial appraisal and confirmation of funding availability. Proposals must be supported by a costed five-year Business Plan, which must demonstrate the financial viability and sustainability of the project and identify sources of funding. Clear objectives must be set and the extent of the Authority's present and future financial liability will be specified. Potential partner organisations must provide evidence of their financial standing in a form to be decided by the Executive Director (Resources) and the Monitoring Officer will satisfy himself that arrangements are in place to secure proper standards of probity and accountability.

5.6 – 4 Insurance

All proposed initiatives must be referred to the Council's insurer for proper evaluation. The extent of the Authority's liability must be established and notified to potential partners who will be advised of their own liabilities and required to demonstrate proper levels of insurance cover.

5.6 – 5 Employment Issues

Proposals must specify staffing implications and be referred to the Head of the Paid Service for consideration in the light of legislation and Council policy. Issues addressed will include conflicts of interest, redundancies, TUPE principles, terms and conditions of employment, pension arrangements, codes of conduct applicable, etc.

5.6 – 6 IT, Data Protection and Requests for Information Issues

The IT implications must be considered in consultation with the Executive Director (Resources) and any proposed solution must comply with the Authority's IT Strategy. The Authority's Data Protection Officer will consider all proposals, and where deemed necessary, will effect separate registration under the Data Protection Act. All parties to the Agreement will of course be bound jointly and individually by Data Protection legislation. The Authority's Data Protection Officer will ensure that all parties are aware of the provisions of the Data Protection Act and hold the necessary registrations. In addition, the Authority will need to make all aware of the Authority's duties under the various statutory provisions relating to requests for information such as the Freedom of Information Act 2000 and the Environmental information Regulations 2004.

5.6 – 7 Performance Management

Monitoring reports shall be submitted to the Cabinet at a frequency and in a format to be

agreed.

5.6 – 8 Compliance with Policy

All proposals must comply both with the Authority's policies.

5.6 – 9 Human Rights Act

All aspects of the proposal must be subject to a risk assessment against the provisions of the Human Rights Act. Potential partners will be required to demonstrate their record and capability in Human Rights to the satisfaction of the Council.