

## APPENDIX 1

	AREAS FOR IMPROVEMENT	RESPONSE OF PWIG
<b>The Council's corporate approach</b>	<ul style="list-style-type: none"> <li>Developing a formal Council partnership strategy to improve:-               <ul style="list-style-type: none"> <li>The consistency of approach to partnership working (although recognising that a diverse approach can be a strength).</li> <li>The overall understanding of the purpose of partnership working.</li> <li>The spreading of good practice</li> <li>The assessment of skills within the Council for partnership working.</li> <li>The internal communication of partnership decisions.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Draft Strategy prepared</li> </ul>
	<ul style="list-style-type: none"> <li>Breaking down departmentalism – the Council Plan mechanisms may help with this, along with a growth in shared, inter-departmental targets.</li> </ul>	<ul style="list-style-type: none"> <li>Experience of PMF evaluation</li> <li>Peer assessment</li> <li>Joint work on the PIWG</li> <li>Beacon bid – all illustrate inter-department activity</li> </ul>
	<ul style="list-style-type: none"> <li>Improving the links between the planning process of the Council and the partnerships it works with – as above, the Council Plan mechanism may help with this, particularly if partners can be included in the development of the Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Identified as further improvement action pending appointment of the new DCP secretariat</li> </ul>
	<ul style="list-style-type: none"> <li>Improving the links between the Council's own decision making processes and those of the partnerships               <ul style="list-style-type: none"> <li>This can be tackled by greater communication and advertising of the processes and, as far as possible, bringing the various processes into line.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Strategy and protocol provide key response</li> <li>Steps taken to link performance management to Council arrangements</li> </ul>
	<ul style="list-style-type: none"> <li>Developing a more robust approach to risk assessment – there is a mixed approach to this, with risk assessment taking place in some high risk areas, but not in others</li> </ul>	<ul style="list-style-type: none"> <li>Council-wide approach to risk management now in place.</li> </ul>

	AREAS FOR IMPROVEMENT	RESPONSE OF PWIG
The role and working arrangements of the DCP	<ul style="list-style-type: none"> <li>Clarifying the links between the DCP board and the individual partnerships – the challenge here is to develop systems and processes that are not too bureaucratic, but can ensure that there is an improved flow of information and understanding between the DCP board and individual partnerships.</li> </ul>	<ul style="list-style-type: none"> <li>Subject to structure review of DCP currently taking place, supported by NRA. Target date for reporting Dec 2004.</li> </ul>
	<ul style="list-style-type: none"> <li>Increasing the representation of the private sector on the DCP – although this is important an increased representation will only take place if the private sector see the value of participating in the DCP.</li> </ul>	<ul style="list-style-type: none"> <li>Membership of thematic and Board level partnerships subject to structure review.</li> </ul>
	<ul style="list-style-type: none"> <li>Developing a more robust performance management framework – this is improving, particularly with the implementation of the ODPM LSP performance management framework.</li> <li>Sharpening up commissioning arrangements within the DCP task groups – key to this is a clearer direction from the DCP board on how it wants commissioning to take place</li> </ul>	<ul style="list-style-type: none"> <li>PMF completed.</li> <li>Improvement Management Plan remains a weakness for DCP.</li> <li>New draft Performance Management framework proposed, implementation awaiting start of new Partnership secretariat.</li> </ul>
The role of Members	<ul style="list-style-type: none"> <li>Increasing the involvement of members outside the cabinet in partnership working – this could be linked with the work the Council is doing around the new governance arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>Database will be used to review appropriate membership.</li> </ul>
	<ul style="list-style-type: none"> <li>Strengthening political guidance to officers – there is an inconsistency in the political guidance given to officers on working in partnership.</li> </ul>	<ul style="list-style-type: none"> <li>Protocol and review of competence should address context for political guidance to officers.</li> </ul>
	<ul style="list-style-type: none"> <li>Developing the understanding of the benefits of partnership working amongst members – this understanding is often in place at a ward level with practical issues, but less so at a strategic level. It could be strengthened by a greater involvement by the scrutiny function in partnership activity</li> </ul>	<ul style="list-style-type: none"> <li>Proposed pilot training and awareness session for Members – target date December 2004.</li> </ul>

	AREAS FOR IMPROVEMENT	RESPONSE OF PWIG
The role of officers	<ul style="list-style-type: none"> <li>Ensuring that the most appropriate level of officer attends partnership meetings – often the officers who attend meetings are not at the appropriate level and are unable to make decisions, thus potentially delaying the work of the partnership.</li> </ul>	<ul style="list-style-type: none"> <li>Database clarifies current attendance and opens up membership for scrutiny.</li> <li>Proposal to undertake overall assessment will be embed this</li> </ul>
	<ul style="list-style-type: none"> <li>Developing greater corporate clarity over officer involvement in partnership activity – without a clear view of which officers should participate in which partnerships, the Council is not able to ensure that it is making the best use of its resources</li> </ul>	<ul style="list-style-type: none"> <li>See above</li> </ul>
	<ul style="list-style-type: none"> <li>Providing officers with adequate support from their managers so they are clear about their roles, responsibilities and accountability – the failure of managers to provide adequate support and guidance for staff working with partners can lead to a demotivation among staff and a subsequent decrease in the impact the Council can make.</li> </ul>	<ul style="list-style-type: none"> <li>Roles and responsibilities documented in protocol.</li> <li>Review of PRD's to ensure issue of partnership working is identified.</li> </ul>
Performance Management	<ul style="list-style-type: none"> <li>Translating the Council's internal performance management skills into partnership working – although this is an ongoing challenge for the Council, the barriers are not around understanding the need for performance management, but perhaps around the conceptual leap that is needed that empowers staff to take internal good practice to an external arena.</li> </ul>	<ul style="list-style-type: none"> <li>Sharing of Performance Management software with DCP.</li> <li>New Improvement Management framework (linked to revised Council framework) is subject to agreement with DCP)</li> </ul>
	<ul style="list-style-type: none"> <li>Developing a process aimed at assessing the added value of time spent on partnership activity by officers – this is clearly not an easy task, but one that is important if the Council is to increase the acceptance and acknowledgement of the importance of partnership working by increasing numbers of officers and members.</li> </ul>	<ul style="list-style-type: none"> <li>Development of corporate evaluation tool is designed to facilitate this process.</li> </ul>
	<ul style="list-style-type: none"> <li>Sharpening the links between internal service plans and the targets set out in the DCP task group action plans – failure to make the links between internal service plans and those developed by the DCP task groups will decrease the likelihood of the targets being met and, at worst, marginalise the work and importance of the DCP task groups within the Council.</li> </ul>	<ul style="list-style-type: none"> <li>Use of new Performance Management software by both Council and DCP will greatly assist links and joint reporting.</li> <li>Revised arrangements for reporting on DCP performance directly to Corporate Board will also substantially address this issue.</li> </ul>

	<b>AREAS FOR IMPROVEMENT</b>	<b>RESPONSE OF PWIG</b>
Resources	<ul style="list-style-type: none"> <li>▪ Developing a more robust strategic approach to the allocation of resources to partnership activity – failure to do this leads to inconsistent links between partnership strategies and the allocation of Council resources.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mapping and evaluation of partnerships provides greater scrutiny of current/future resource allocation.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Quantifying the level of support provided to partnerships – as above, providing such support is good, but quantifying the level is important, if challenging.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Database provides initial attempt to quantify a level of attendance resource. As the evaluation tool is applied, individual partnership resource issues will be considered in more detail.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Developing a corporate approach to the designing of exit strategies – the absence of such strategies leads to the Council having to take on commitments that, in the absence of the partnership involved, it may often have decided not to resource. Part of such a strategic approach should be the close monitoring of exit strategies to ensure that they are tight enough and cater for all eventualities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Examples e.g. BHRP of exit strategies do exist – but more work remains to be done on this.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Increasing the financial/budgetary skill levels of officers involved in partnership activity – it is often the case that the officers who work in partnership are not those who have financial backgrounds or training and thus budgetary issues can potentially be neglected.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Management Competencies framework and PRD process provides the context to ensure the appropriate skills/knowledge are present.</li> </ul>

	AREAS FOR IMPROVEMENT	RESPONSE OF PWIG
Probity	<ul style="list-style-type: none"> <li>Developing better mechanisms for recording the decisions made by partnerships that affect if – this is important as the lack of such mechanisms leads to key service areas not knowing or fully realising the full impact of specific partnership decisions on its services.</li> </ul>	<ul style="list-style-type: none"> <li>The actual scope for partnerships to take decisions and the link to Council processes is highlighted in the protocol.</li> <li>The improved reporting on DCP matters to the Corporate Board will highlight more clearly issues subject to deliberation by partners.</li> </ul>
	<ul style="list-style-type: none"> <li>Reviewing the methods for ensuring the accountability of officers and members when they are working in partnership- this is an area that, as well as being important from a probity point of view, can have knock on benefits as officers and members can feel more confident about working in partnership if they are clear about accountability issues.</li> </ul>	<ul style="list-style-type: none"> <li>The protocol and proposed training are to address this</li> </ul>
	<ul style="list-style-type: none"> <li>Working with partners to formalise mechanisms for addressing conflicts and complaints within partnerships – although this is an issue for individual partnerships to address, the Council can take a lead by sharing with partners its own approach to dealing with complaints</li> </ul>	<ul style="list-style-type: none"> <li>Example being the complaints agreement established by Health and Wellbeing Partnership</li> </ul>
	<ul style="list-style-type: none"> <li>Formalising the process for declaring conflicts of interest, although such processes exist, many officers and members perceive them as too informal and thus not adequately robust</li> </ul>	<ul style="list-style-type: none"> <li>Clarity provided through the protocol need now to communicate this throughout the organisation</li> </ul>
	<ul style="list-style-type: none"> <li>Increasing the transparency of the Council's decisions on partnership involvement – key to this is being clear about who makes decisions about the Council's engagement with partnerships</li> </ul>	<ul style="list-style-type: none"> <li>Again, the strategy and protocol provides guidance and case studies to address this.</li> </ul>

## **Partnership Working Improvement Group**

### **APPENDIX 2 – Draft Council Partnership Strategy**

#### **Summary:**

The attached document represents a draft Council Partnership Strategy. It sets out key principles, key roles, and processes.

Through the strategy, we propose that an annual evaluation is undertaken of a selected number of key partnerships. This could be linked to the annual Making the Difference cycle. The Improvement Group is still developing a common evaluation tool and will undertake a pilot evaluation on one or more selected partnerships. Subject to successful evaluation of this initiative it is proposed to adopt this improvement measure corporately for 2005.

# **DRAFT**

## **DUDLEY COUNCIL PARTNERSHIP STRATEGY**

### **Why do we need another strategy?**

There are already a plethora of Council strategies that involve partnerships, the question has to be asked why do we need another one about partnership working? The answer lies in the variety and number of partnerships the Council enters into, and the central importance effective partnership working has on the ability of the authority to achieve many of its objectives. By promoting efficient, constructive partnerships with others the Council will be fulfilling its statutory duty to provide community leadership and realise the potential benefits of pulling together with local people and other bodies.

However, the complexity and diversity of partnership arrangements the Council enter into, require a clear, well planned and comprehensive approach to make sure we get value for money from these arrangements. Through this strategy we aim to achieve the following:-

- Describe why the Council values partnerships
- Outline the different types of partnership working
- Identify the key roles and responsibilities for partnership working
- Define the links between partnership working and Council decision making
- Set out the process by which we systematically review the effectiveness of partnership working

### **Why we value Partnership working**

Through the Council Plan we have set out the core values which underpin the Councils commitment to partnership working, these are:-

We will:-

- Work in partnership with our communities
- Promote teamwork as the primary way to achieve continuous improvement and innovation.
- Enter into partnerships with other agencies and authorities to secure the overall well-being of Dudley Borough and its communities.
- Identify, and work with relevant others, to reach shared goals.
- We will support partnership working where it provides cost effective services.
- Develop and maintain partnerships which can achieve more by working jointly than we can alone.
- Value partnerships as a means of broadening the representation and inclusion of all our communities.

## **What we think Partnership working should achieve**

Effective Partnership working should achieve the following:-

- Closer links between the Council and local people, enabling our services to be more response and appropriate to local need.
- A clear and measurable impact on improving the lives of our residents.
- Consistency between the overall direction of the Council as set out in the Council Plan and the priorities and activities of individual partnerships.
- The opportunity to share and pool resources across different bodies to achieve common objectives in a more cost effective manner than working alone.
- Engagement with local people to promote innovation and creativity in the planning and provision of future services to address the Boroughs needs and aspirations.
- Improved communication/information sharing between Council and other agencies

## **What are the main roles and responsibilities for partnership working?**

### **The Cabinet**

The Cabinet comprises the Leader of the Council and nine Lead Members with the responsibility to recommend the overall policy of the Council and supervise the implementation of policies within service areas. Accordingly, the Leader of the Council and Lead Members will represent the Council on partnerships where appropriate to represent the political leadership of the Authority. However, decisions affecting Council policy recommended by partnerships will still be subject to the processes detailed in the Council Constitution.

### **Corporate Board**

The Chief Executive and Corporate Board Directors are responsible for delivering the Council Plan. As such they will normally represent the Council where issues affecting the overall planning and delivery of services are considered. They can make decisions on the strategic use and deployment of Council and partnership resources within the overall policy framework established by the Authority.

### **Assistant Directors**

Assistant Directors are directly responsible for delivering the Council's priorities in terms of service provision, and will attend a variety of partnerships both to represent Council policy and oversee the provision of services or activities within the partnerships remit.



## **Officers of the Council**

There are an enormous array of officers involved more widely in partnership working, whether that be on local community planning; information sharing; service co-ordination. All Officers are encouraged to positively support partnership working within the guidance set out within this Strategy and the policy framework of the Council.

All Council representation on partnerships is subject to the Protocol for Partnership Working.

## **THE FUNDAMENTAL BASIS FOR CONDUCTING PARTNERSHIP WORKING**

At the core of the Council's contribution to effective partnership working are a range of fundamental arrangements:-

**Dudley Borough Compact** – An agreement developed through the Dudley Community Partnership that sets out the key commitments the Council enter into with the voluntary and community sector to undertake and sustain partnership working.

**Consultation Strategy** – The Council's Consultation Strategy sets out the key principles of consultation, it also includes the consultation database which sets out the programme of consultation undertaken by the Authority as well as a comprehensive toolkit of how to conduct effective consultation.

**Community Strategy** – The Borough's Community Strategy provides the overall policy framework and vision that the Council is working towards. It has been prepared following extensive engagement with local people and other agencies. Across the whole range of partnership structures, the Council will have regard to the objectives of the Community Strategy in determining whether to be involved in a partnership and in the evaluation of its effectiveness.

**Neighbourhood Management** – The Council recognises that to achieve effective partnership working that all sections of the community must feel included and able to contribute. Neighbourhood Management exists to support and extend the involvement of all communities so that our partnerships are as representative of local needs as possible.

**Code of Practice** – The Code of Practice for Partnership working sets out the legal responsibilities for Members and officers to ensure the highest standards of partnership working.

## **THE TIERS OF PARTNERSHIP WORKING**

Overall the Council is engaged in partnership working at three distinct levels:-

### **STRATEGIC**

The lead strategic partnership is the Dudley Community Partnership Board. This Partnership takes overall responsibility for the Community Strategy, and provides the executive direction for Partnership working in the Borough. The Board is supported by a series of thematic partnerships responsible for key sectoral issues, including

- Jobs
- Good Health
- Environment
- Community Safety & DAAT
- Lifelong learning
- Children and Young People

The prime purpose for these strategic partnerships being to:-

- Determine the key strategic objectives for the improvement.
- Focus on the areas for added value from joint working/co-operation.
- Promote engagement with the local communities.
- Review and evaluate achievements and prioritise future partnership actions

### **OPERATIONAL**

There are a wide variety of operational partnerships the Council is committed to. These range from legally constituted bodies to less formal networks. There diversity and range of partnership working reflects the variety of circumstances, the type of partners and the tasks expected of the partnership. However in general some of the principal reasons for these operational partnerships are:-

- To plan the provision of services by one or more agency.
- To pool resources to jointly commission services.
- To attract additional resources for service provision.
- To plan, monitor and review service delivery.
- To undertake consultation and engagement with local people on service improvement.
- To deliver specific projects

## **NEIGHBOURHOOD**

There is a similarly broad range of neighbourhood based partnership activity. Some of these partnerships are long standing with a broad remit while others may be short lived and extremely restricted in their scope. The breadth of such partnerships makes a listing of purpose quite general, however the emphasis tends to be upon:-

- Promoting the active involvement of local residents and/or community groups in local matters.
- Developing local area/community plans.
- The management of local facilities or events.

## **THE MANAGEMENT OF PARTNERSHIP WORKING IN THE COUNCIL**

The key arrangements for Partnership Working are:-

### **Elected Members**

The Council will formally approve the key nominations of elected members to outside bodies. However the Lead Members drawn from the Cabinet provide the lead for the nomination of Council members to the strategic and operational partnerships referred to above.

### **Corporate Board**

The Corporate Board will maintain the overview for effective corporate management of partnership working. This will be undertaken through:-

1. The quarterly performance report will specifically comment on partnership issues.
2. The Corporate Performance Management reporting database will highlight those issues affecting both Council Plan and wider Partnership targets.
3. The agenda, minutes and improvement plan of the Dudley Community Partnership will be included on the Corporate Board work plan.
4. The corporate planning cycle, which links the process of setting the Council Plan together with the budget making arrangements, will also incorporate the key planning events of the DCP Board.

## **ANNUAL EVALUATION OF KEY PARTNERSHIPS**

Each year the Council will undertake a strategic review of its key partnerships to ensure that partnership working is effective

The review will assess not only effectiveness in terms of achieving objectives but as a result whether partnerships are still appropriate and need to continue. We recognise that sometimes Partnerships can seem easier to set up than disband. However, the Council does need to focus and prioritise its efforts, and through the evaluation process will work to ensure that it does support partnerships effectively and efficiently.

## **Partnership Working Improvement Group**

### **APPENDIX 3 – Partnership Working Protocol**

#### **Summary:**

The attached document provides a formal statement of the roles and responsibilities for Members and Officers who work with partnerships.

The report provides a brief legal background, and a common definition of partnership working. There is guidance on the authority needed to become involved with a partnership, duties on members, how to address conflicts of interest. For Officers the Protocol covers the arrangements needed to formalise approval to join partnerships.

One part of the protocol which is still being developed is a summary of selected case studies which illustrate the different ways in which partnership working occurs, and how the protocol applies in those cases.

## **PARTNERSHIP WORKING PROTOCOL**

### **INTRODUCTION**

Many Officers and Members will see the work they do with partnerships as being part of their job with the Council, but to differing degrees may become involved in the day to day management or running of those groups, whether or not they call themselves Committee Members or Trustees. In these circumstances, it is possible for distinctions between the responsibilities of the Council, the individual Member or Officer, and the outside body itself to become blurred. This could give rise to difficulties in the future.

This document is designed to offer you advice and guidance to help you in this work and to help you avoid such difficulties. It outlines what steps you must take, and some of the issues you should be aware of.

You should also be aware that by law, the Council can only undertake activities that it is given a statutory power to undertake. Officers and Members becoming involved in work with partnerships which is outside those statutory powers could encounter difficulties as that work would be “ultra vires”, or, outside the Council’s permitted area of work. The District Auditor may investigate such situations, and they can be subject to legal challenge.

Whilst the new Local Government Act 2000 has given Council’s wider well-being powers, you should always consider “powers” as an issue, and seek legal advice if in doubt.

The whole concept of well-being is fundamental to community leadership and its delivery, and use of the well-being power underpins community strategies.

The Audit Commission has identified community leadership as a key driver for improvement.

The elements of community leadership identified by the Audit Commission, local democratic leadership, **partnership**, and communities leading themselves, are all underpinned by the power of well-being.

### **PARTNERSHIP WORKING**

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

## **DEFINITION OF A PARTNERSHIP**

“Partnership” is defined as a group of people from two or more organisations who are working together to achieve agreed goals and objectives, including Borough Wide or Strategic Partnerships and Locality/Neighbourhood Partnerships.

## **MEMBERS**

### **AUTHORITY TO BECOME INVOLVED WITH A PARTNERSHIP**

Any 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 Chief Executive. The Member should only accept or become involved after receiving approval from their Group Leader and the approval of either the Chief Executive or the appropriate Director (“the Appropriate Officer”).

It is the responsibility of the Appropriate Officer, whilst discussing the Member’s involvement within the Partnership to determine what the Member’s role is and if they are representing the Council. The Member and the Appropriate Officer should also discuss and agree if any support and/or training are required. The Appropriate Officer if required will arrange any training.

## **DUTIES**

Members 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, Members when working within a partnership remain members of the Council and are still bound by the associated legal requirements including the Code of Conduct for Members. Members are reminded that they should never do anything as a Councillor that they could not justify to the public. Their conduct, and what the public believes about their conduct, will affect the reputation of the Council, and of their party if they belong to one.

Members working/associated with a partnership continue to be bound by the Council’s policies and procedures, Standing Orders 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.

## **PROHIBITION ON SIGNING CONTRACTS**

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

## **PROHIBITION ON PROVISION OF FINANCIAL, TECHNICAL OR LEGAL ADVICE**

Members 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.

## **CONFLICTS OF INTEREST**

When working in a Partnership a Member should immediately declare any conflicts of interest or potential conflicts of interest that he/she may have or that may be perceived and get the partnership to record them formally (in the notes/minutes of a meeting). The 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 then the Member should not take part and should advise the Group Leader and the Chief Executive. Another Member should then be chosen to represent the Council.

Members must report any personal changes in circumstances that 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 a member for Dudley MBC 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.



## **OFFICERS**

*Officers must bear in mind that acceptance of a role as a charitable trustee (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 that must be fulfilled and there will be further responsibilities if you are a director of a charitable company.*

## **AUTHORITY TO BECOME INVOLVED WITH A PARTNERSHIP**

Any Officer who is approached to become involved in a Partnership should discuss the matter and the extent of their involvement with their appropriate Manager (at least Section Head level) before accepting. The Manager may want to discuss the Partnership and aspects of work with the Head of Service.

The Officer should only accept after receiving approval, in writing (or file note) from their Manager.

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

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

## **DUTIES**

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, all Officers when working within a partnership remain Officers of the Council and are bound by their contract of employment, the Council's policies and procedures, 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.

## **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.

### **PROVISION OF FINANCIAL, TECHNICAL OR LEGAL ADVICE**

If an Officer 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 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 Manager).

### **CONFLICTS OF INTEREST**

When working in a Partnership an Officer should immediately declare any conflicts of interest or potential conflicts of interest that they may have or that may be perceived and get the Partnership to record them formally (in the notes/minutes of a meeting). They should then agree formally with the Partnership as to their involvement with matters associated with the declared interest.

## **MEMBERS AND OFFICERS**

### **At the start of a partnership:**

- Be clear why you are in the partnership
- Make sure everyone is there that needs to be
- Listen to others and take time to understand and respect their agenda
- Recognise the skills and abilities of other people
- Realise that people have preconceived ideas about certain things
- Ensure everyone is there as an equal player
- Focus on points of agreement and reach a shared vision
- Have absolute clarity about the partnership's aims and objectives
- Be detailed about the specific roles and responsibilities and be clear on accountability
- Take the time to plan thoroughly including how you will tackle potential difficulties

### **Working in the partnership:**

- Realise that working in partnership takes a long time
- Be action focused and deliver real change on the ground
- Minimise bureaucracy
- Make informed, democratic decisions
- Have an independent chair so that no one dominates
- Have clear and transparent methods of communication and create effective links
- Have a clear note of what is discussed at meetings and what is agreed
- Don't start with a blank sheet, instead take some ideas to start discussions
- Work with openness, trust and honesty
- Be responsive and show you are flexible
- Have a champion to maintain momentum
- Celebrate and publicise your successes

### **When there are problems:**

- Take action immediately to find a solution
- Don't be afraid to bring in external, impartial help

## **EXAMPLES OF PARTNERSHIP WORKING**

The Council engages in a wide variety of partnership working from formal legal bodies to more informal community based groups. The provisions of the protocol provide the overall context to partnership involvement by both Members and Officers. However, care should be taken to ensure that the partnership is appropriately established under law, and that the linkages between the partnership and the Council's decision making processes is clearly understood and acted upon. In the event of any uncertainty on these matters, Members and Officers should seek advice from the Chief Executive and/or Director of Law and Property.

The following array of case studies has been presented to illustrate the variety of partnership working the Council supports, the different legal context, the level of involvement and links to Council processes:-

Strategic Network	– Dudley Community Partnership
Company	– Brierley Hill Regeneration Partnership
Commissioning	– Health and Well-Being Partnership
Sub-Regional Partnerships	– Black Country Education Partnership
Community Engagement	– Area Housing Panel

### **1. Dudley Community Partnership**

#### **Legal Background:**

The Council has a general duty by law under the Local Government Act 2000 to provide Community Leadership, to promote the well-being of the Borough. Specifically there is also a Government requirement to set up a Local Strategic Partnership in order to be eligible for Neighbourhood Renewal Funds. While a general Community wide partnership has been established for since 1995, the revised Dudley Community Partnership (what we call our LSP) was formally established in 2001. It has 11 formal members, including the Council, Health, Police, Business, Voluntary Sector. The DCP itself has established terms of reference, has an independent secretariat, a budget allocated to it from NRF, and oversees the range of thematic partnerships responsible for individual community strategy themes eg Crime and Disorder. It is not though an independent legal entity, it does not employ people directly, and its decisions are not legally binding on individual partner agencies.

#### **Remit:**

The general remit of the DCP is to provide the overall strategic leadership for the Borough. In particular it will:-

- Lead on the development and review of the Community Strategy.

- Review the overall performance and linkages between individual thematic partnerships.
- Facilitate community involvement and engagement within the Borough.
- Set the overall policy context for the allocation of shared partnership resources.

### **Decisions and actions:**

Typically, the DCP will:-

- Promote community engagement actions eg State of the Borough Conference, the Borough Challenge events etc.
- Set the commissioning principles for the allocation of partnership centred resources, including making recommendations on the deployment of Neighbourhood Renewal Funds.
- Review overall achievement against Community Strategy goals and make recommendations on future priorities and areas for joint working.

### **Council Representation**

The Council Leader is the formal representative of the authority accompanied by the Chief Executive. In addition a range of Council Officers are also available to support the DCP depending upon the issues being considered.

### **Links with Council Processes.**

Most of the business of the DCP is of a general, overseeing nature and does not require specific Council formal endorsement. However, there are key points where formal linkages between the recommendations of the DCP and the decision making structures of the Council are required, for example:-

- While NRF allocation needs to be subject to DCP support, the actual decision on the allocation of the funding is the responsibility of the Council, and is the subject of a formal report to the Cabinet, including the recommendations of the LSP and on which the Council then acts.
- While the DCP provides a lead focus for the engagement of the community on the development of the new Community Strategy, this document also provides the legal underpinning for the Council to exercise its power of promoting well-being. Accordingly the drafting of the new Community Strategy and its final endorsement are subject to Cabinet approval.
- The performance outcomes of the DCP on crime, health, learning etc are reported as part of the overall Council performance report made to the Cabinet each quarter, and thereafter considered by all Select Committees.

## **2. Commissioning - Dudley Health and Well-Being Partnership**

### **Legal Background**

The Health Act 1999 introduced a legal duty of co-operation between the NHS and local authorities so that they could enter into even closer partnership arrangements than had been the case before. These arrangements can be of any size and can include Primary Care Trusts (PCT's), local authorities, community and acute health services. As a result the Dudley Health and Well-Being Partnership (DHWP) was formed using an agreement under Section 31 of the Health Act 1999. This brings together representatives from the two Dudley PCTs, Dudley MBC, the Hospital Trust and the voluntary sector. One of the ways in which the DHWP can work better together is through use of the Health Act 1999 "flexibilities" – pooled budgets, integrated provision or lead commissioning.

### **Remit:**

Terms of Reference for the DHWP were agreed at a meeting on 14<sup>th</sup> March 2002 and include:

- To provide leadership in improving the health and well-being of the people of Dudley Borough through general and specific use of the Health Act flexibilities
- the management of partnerships as agreed by the PCTs and the Council;
- acting as a Joint Co-ordinating Group on behalf of partners
- receive and consider reports from the various sub-partnerships e.g. Older People's Board, etc.

### **Decisions and actions**

Partner agencies remain accountable for their activity to their host agencies. However, specific agreements made under the Health Act identify relevant decision-making processes relating to the provision of service e.g. the establishment of a Learning Disability Development Fund.

### **Council Representation**

The Council is represented at the DHWP by the following

- Lead Member for Social Services
- Director of Social Services
- Assistant Director of Urban Environment – Development and Environmental Protection;)

In addition, they may call upon staff from across the Council as appropriate to assist in promoting the work of the DHWP.

### **Links with Council processes**

Partners at the DHWP remain accountable to their host agency structure. For the Council, this means that relevant issues that have implications for the whole Council are discussed at the appropriate level, be it Corporate Board or Directorate Management Teams. Some specific activities undertaken by partners in the DHWP, link as a result of central Government initiatives e.g. responding to specific performance indicators or implementing National Service Frameworks. These activities may be undertaken at levels below the DHWP but Council managers are represented as appropriate at every level and arrangements are made to feed up to the DHWP as required.