

## Report for Information

**Report to** Executive  
29 October 2008

**Report of** Director of Transformation

**Subject** Corporate Governance framework for Partnerships

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### Purpose

To inform Executive about progress made in relation to the development of governance arrangements of the council's significant partnerships.

To seek approval for further action required by the council so that it fulfils its responsibilities in relation to both the management of and support to partnerships.

### Recommendations

1. To endorse the Corporate Governance Framework for Partnerships and its Toolkit
2. To agree the future programme of work required to implement the framework within the necessary timescales, in order to impact upon future inspections.

### Financial Consequences

The activity undertaken to develop and implement this framework is funded as part of existing work streams and will have no significant financial implications. However, it has been recognised that the process of implementation will require additional resources to ensure officers are fully supported. Consequently the programme of work has been approved as suitable for a National Management Graduate Trainee to take forward between October 2008 and January 2009. It is intended that within this period the graduate trainee will support directors in fulfilling their responsibilities, working with Heads of Service and others as appropriate, to apply the definition and criteria within the framework and toolkit. The future review to be carried out annually will be carried out within existing work loads of the partnerships team and relevant council lead officers for the individual partnerships.

### Risk Assessment

It is critical that we improve how we set up and manage our partnership working, as required by the current Comprehensive Performance Assessment (CPA) framework and already set out in a number of recent inspections including the

Peer Review. The proposed Comprehensive Area Assessment, with further emphasis on partnership approaches, makes this work even more critical.

In addition, the Local Government Act 2000 and more recently the Local Government and Public Involvement in Health Act 2007 established increased scrutiny mechanisms for partnerships. The formalisation of a Governance framework for Partnerships will assist the council, partner organisations and Scrutiny Committees in the process of review and scrutiny.

### **Strategic Priority and Outcome/Service Priorities**

The report helps to meet the strategic priority “Aiming for excellence – ensuring the Council is efficient in its use of resources, is effective in delivering its plans, is a good employer and communicates effectively with its customers, staff and partners” and the service plan priority “Establishing appropriate Governance arrangements for partnerships”

**Executive Member:** Councillor Waters - Corporate Resources and Governance

**Ward:** All

### **Contact Officers**

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### **Background Documents**

None

## Report

### Background

1. The current CPA framework seeks to ensure that councils maintain a sound system of internal control in relation to partnership arrangements. Specifically this relates to how councils identify significant partnerships and ensures they have appropriate governance arrangements in place for each of them (Key Line of Enquiry - KLOE 4.2). It also considers the financial performance (KLOE 2.2) and risk management (KLOE 4.1) of partnerships
2. In order to meet these requirements the City Council has drawn up a "Use of Resources" action plan which requires the development of a policy on partnerships including:
  - A definition of what a partnership is
  - Processes to be undertaken prior to entering into a partnership, including risk assessment
  - The governance arrangements expected to be implemented for each partnership entered into by the council
  - Requirements for monitoring and reviewing partnerships including assessing whether the partnership continues to meet the councils objectives.
3. The Corporate Management Team (CMT) has already approved, as a basis for further development, a draft policy covering the council's approach to partnership working. CMT acknowledged the need to further develop this work, including the creation of templates and guidance. It was agreed that responsibility for advising and implementing this policy at Officer level lies with the council's Partnerships Manager. The Portfolio Holder for Finance & Policy (Councillor Waters) is the Member champion for partnership working.

### Corporate Governance Framework For Partnerships: The Process

4. The Partnerships Manager has reviewed the draft policy, considered further best practice, and developed it to form a 'Governance Framework for Partnerships'. This now embraces a toolkit with step by step guidance and clear documentation to support the framework. The draft framework (Appendix One) and toolkit (Appendix Two) is attached to this report.
5. The governance framework states that "the Council will review each of its partnerships at least annually to identify which partnerships are significant"
6. The first part of this review necessarily requires identification of arrangements which come under the agreed definition of "partnership". The definition adopted within this framework is based upon the definition provided by the Audit commission as adapted by other councils and regarded as best practice. It should be noted that this definition may exclude some arrangements that this council has traditionally regarded as partnerships eg PFIs and some

contractual arrangements.

7. The second part involves a process of assessing each partnership on its significance to the Council. Factors to consider include: the partnerships contribution to the achievement of priorities in the corporate plan; the nature of the consequences if the partnership were to fail; the type of decisions the partnership makes; whether the partnership is required by law or to secure funding; and the extent to which the partnership helps the Council to manage risk. Specific guidance documents have been created for this purpose within the Toolkit.
8. It is the responsibility of each director to identify all of the partnerships that the directorate is involved in, according to this agreed definition, and assess the level of significance of the partnership.
9. It is recognised that whilst some work had been undertaken in the past, the process of implementing this new framework will require additional resources to ensure officers are fully supported. The programme of work has been put forward as suitable for a graduate trainee to take forward between October 2008 and January 2009. It is intended that within this period the graduate trainee will support directors in fulfilling their responsibilities, working with Heads of Service and others as appropriate, to apply the definition and criteria within the framework and toolkit.
10. Through this process, a list of “significant partnerships” will be created and a lead officer identified. The lead officer will have ongoing responsibility to make sure that in relation to the “significant” partnerships:
  - the council’s responsibilities under the framework are carried out and
  - the partnership complies with the minimum standards set out under the framework.

### **Reviewing Significant Partnerships for minimum standards**

11. The lead officer for each partnership, initially supported by the National Management Graduate trainee, will need to review whether its governing documents comply with these requirements
12. These minimum standards require each partnership to have governance arrangements in place proportionate to the level of risk involved. A formal written agreement should set out:
  - The purpose and basis of the partnership
  - Its membership and the roles of members
  - Arrangements for the conduct of meetings including arrangements for declaring interests
  - Decision making framework
  - Information sharing protocols
  - Dispute resolution procedure
  - Risk management processes
  - Financial management arrangements
  - Arrangements for monitoring and review

- Termination of and exiting from partnership
  - Communications
13. Following review the lead officer will confirm the position to the Partnerships Manager and provide
- details of any failures to comply with a requirement; and
  - a proposed time-scale for any follow-up actions to ensure compliance.
14. It is anticipated that some partnerships may currently be planning or undertaking wider reviews and consultation regarding their structures and purpose which could hinder this process. In addition, other councils application of this process have identified notable trends which show partnerships failing to comply because of a lack of provision for dealing with dispute resolution and exit arrangements.
15. However any new governing documents will need to take account of the requirements of the framework and lead officers need to be aware of this.
16. The Partnerships Manager will monitor whether the follow-up actions are carried out within an appropriate time-scale.

### **Financial arrangements**

17. Currently CPA Key Line of Enquiry 2.2 requires that 'the financial performance of significant partnerships is regularly reviewed, linked to outputs, and the results shared with partners and acted upon'. In order to address KLOE 2.2, the Chief Finance Officer is required to assess the list of significant partnerships, to identify those with which the council has a significant financial relationship (i.e. to which the Council contributes a significant amount of finance and / or is the Accountable Body). This enables the Chief Finance Officer to focus efforts on reviewing the financial performance of those partnerships that are financially significant. In cases of high significance, priority needs to be given to maximising the robustness of the governance and financial management arrangements.

### **Risk Management**

18. Currently KLOE 4.1 requires that 'the risk management process specifically considers risks in relation to significant partnerships and provides for assurances to be obtained about the management of those risks.'
19. Prior to entering into a partnership, and on an ongoing basis thereafter, the Council should undertake a risk assessment of the partnership involvement, using its own risk management framework and application of its risk matrix. The arrangements need to be proportionate to the level of risk identified and a decision will need to be taken about how to manage the risk.
20. Those risks requiring action need to be included in a risk register to be maintained and regularly reviewed by the council and the partnership. A specific guidance document has been created for this purpose within the toolkit.

## **SUMMARY**

21. The framework takes forward the delivery of actions defined in the Use of Resources Action Plan, and refines processes for more robust future application of a Governance framework for Partnerships. It allows the council to identify its significant partnerships and manage risk using a clear and consistent approach.
22. The support given by the management graduate trainee in the interim will provide additional capacity to implement this framework and allocation of lead officers for each partnership will ensure future compliance.

**DRAFT**



**Corporate Governance  
Framework  
For Working in Partnerships  
And Toolkit**

# Corporate Governance Framework for working in Partnerships

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# **1. INTRODUCTION AND CONTEXT**

## **1.1 Why do we need a Framework?**

Good corporate governance requires the council to be accountable, open, inclusive and effective, and to act with integrity. It enhances the council's capacity to maintain high quality services, and to deliver improvements. Good corporate governance should extend to the council's relationships with its Partners.

The City Council is committed to working in partnership with other agencies to deliver priority outcomes and to improve the quality of life for local people. Good corporate governance arrangements in relation to partnerships enable the council to know whether partnerships are providing value for money, added value, and better use of resources by reducing duplication.

In addition to this, the framework seeks to integrate partnership work into the council's mainstream planning, thinking and delivery. In developing the framework, the council is proactively working to support partnership activity, and making available new systems and processes to develop partnerships.

Furthermore, recognising the role of local strategic partnerships which are now often described as "the umbrella under which all other partnerships operate", this framework will assist in identifying the family of partnerships supporting the City of Norwich Partnership.

## **1.2 Purpose of this Framework**

The purpose of this framework is to set out

- the processes for deciding when and how to enter a partnership;
- the minimum governance arrangements the council requires each partnership to have;
- how the council will support the governance of each partnership; and
- how the council monitors and reviews its involvement with each Partnership.

The framework will promote clarity and consistency of approach in relation to partnerships' governance arrangements and will ensure:

- When entering into partnerships, the council is clear about its purpose and expected outcomes to be achieved
- The council's own agreed objectives and priorities are being met
- There is clarity around accountability and responsibility for outcomes
- Partnership activity and outcomes are monitored, reviewed and evaluated to make best use of resources
- Risks for the council and the partnership are assessed and agreed
- Each partnership maintains a relevance to its agreed purpose during its lifespan and has an effective exit strategy

- Partnerships are properly empowered and their legal status understood
- Reviews are undertaken to evaluate success and further challenge process and improve governance

This council has adopted a definition of a partnership based upon the Audit Commission's original proposal and in line with best practice nationally. Consequently certain working arrangements are excluded from this framework (see s2.4).

### **1.3 Who will use this Toolkit?**

Both officers and elected members of the council will access this Toolkit. The Council will also share this Toolkit with its partners and prospective partners so that they understand the procedures and guidance

### **1.4 Roles and Responsibilities**

Responsibility for advising and implementing this framework at Officer level lies with the council's Partnerships Manager. The Portfolio Holder for Finance & Policy is the member champion for partnership working

#### The Council's lead officer in relation to a specified partnership

The role of the identified lead officer for each partnership is to make sure that:

- the council's responsibilities under the framework are carried out
- the partnership complies with the minimum standards set out under the Framework
- the Partnerships Manager is provided with details of any failures to comply with a requirement and the proposed time-scale for any follow-up actions to ensure compliance

#### The Partnerships Manager

The role of the Partnerships Manager is to:

- ensure there is proper support and advice to officers and members in relation to partnership involvement
- ensure the identified lead officer understands the role and is supported
- maintain the register of partnerships
- record any partnership which presents a risk to the council on a corporate risks register and annually review all such entries.
- monitor compliance with the framework and report to the Corporate Management Team
- review the framework annually and report to the Corporate Management Team

## The Director of Transformation

The role of the Director of Transformation is to:

- report to the Executive on the effectiveness of the council's involvement in partnerships

## Individual Directors

It is the role of every Director to

- identify the partnerships that the directorate is involved in
- assess the level of significance of each partnership within the directorate

Where there are cross cutting partnerships, the Corporate Management Team will consider and agree responsibilities

## Corporate Management Team

The role of the Corporate Management Team is to:

- Provide a mechanism for the council to coordinate and discharge its duties under this partnership governance framework;
- Receive the joint summary report on the overall impact of the council's involvement in partnership's and agree any actions which do not require an elected member decision;
- Ensure that the partnerships are properly supported and that the resources are provided to allow partnerships to succeed;
- Ensure that council representatives on each partnership receive an induction and there is provision for councillors and officers to develop necessary skills for partnership working on its training and development programme.
- Monitor the overall performance and effectiveness of partnerships and advise Executive on any further action required.

## Executive

The role of the Executive is to:

- Agree council involvement in new partnership working arrangements;
- Appoint, substitute or remove elected members (and officers on higher level partnerships) on partnership bodies;
- Receive reports from the Director of Transformation on the effectiveness of the council's involvement in partnerships;
- Agree future direction and / or any actions arising from evaluations;
- Assess the council's continued involvement in partnerships

## Scrutiny Committee

The role of the Scrutiny Committee is to:

- Work with the Partnerships Manager to produce an annual report summarising the outcome of reviews and evaluations and identifying any necessary actions;
- Consider any evaluation report summarising council involvement in partnerships, analyse and challenge outcomes, impact and direction;
- Support the Corporate Management Team to identify and disseminate learning and best practice from partnership working;
- Evaluate if partnerships 'act together' and make differences to people's lives.
- Consider delivery of partnership outcomes as they relate to the Sustainable Community Strategy and the Local Area Agreement.

## **2. THE FRAMEWORK**

### **2.1 The Scope of the Framework**

This framework sets out the stages in the life of a partnership:

- Making the business case – before setting up a partnership and reviewing it for continuing relevance
- Reviewing a partnership annually
- Monitoring, reviewing and evaluating partnership governance and effectiveness
- Developing a partnership
- Leaving a partnership

### **2.2 When is a Partnership Appropriate?**

Working in partnership offers both opportunities and challenges. With good governance arrangements in place, partnerships can be particularly effective in delivering added value and value for money.

The Council sees many benefits of working in partnership including:

- to effectively join up and co-ordinate service delivery - reducing silo working and maximising impact
- to address cross cutting issues
- to support its own objectives and priorities
- to maximise the use of limited resources and to attract additional resources to the area
- to champion the area and focus on the big issues facing the City and
- to agree a vision, objectives, action plans and commissioning of services to meet identified need.

Criteria for entering into partnership arrangements will include consideration of:

- The partnership's work in contributing to the delivery of the council's corporate plan, the City of Norwich Partnership and the Local Area Agreement
- How its work benefits residents, businesses and visitors
- The partnerships ability to operate efficiently, to act as an agent of delivery or enable better performance than the council could achieve alone
- Arrangements to monitor and report on its effectiveness
- The clarity of roles and responsibilities of members of the partnership

The council must also consider if it has the legal power to enter into such arrangements.

To implement this framework it will first be necessary to review current partnership involvement against these criteria but in the future a business case should be developed for any new partnership arrangements.

## **2.3 Making a Business Case**

Before entering into a partnership, a business case is to be made using the format set out in the toolkit (s1).

The council will assess how the partnership will contribute to:

- the priorities set out in the Corporate Plan
- the priorities set by the City of Norwich Partnership
- the local area agreement

The council will:

- undertake a cost/benefit analysis;
- consider whether any other partnership should carry out some or all of its proposed functions;
- undertake an options appraisal to determine the most appropriate organisational form for the partnership
- do a full risk assessment

The business case will need to be approved in the first instance by the relevant Director and full council involvement authorised by the council's Executive. Executive will approve nominations for elected members and where appropriate officer appointments on high level Partnerships.

The City of Norwich Partnership Strategic Board should also be advised of new partnership arrangements.

## **2.4 Defining a Partnership**

In order to develop a business case, and during the initial review of existing arrangements, it will be necessary to apply a clear and workable definition of a partnership.

The Council is adopting the Audit Commission's definition of partnership working as a joint working arrangement between partners who:

- are otherwise independent bodies
- agree to co-operate to achieve a common goal
- create a new organisational structure or process to achieve this goal, separate from their own organisations
- plan and implement a jointly agreed programme, often with joint staff or resources
- share relevant information
- pool information, risks and rewards.

However the Audit Commission's definition has been refined and narrowed by other authorities since eg Hull and Birmingham City Council. This work has been recognised by the Audit Commission as a model of best practice. Following this approach, Norwich City Council's has adopted this definition of a Partnership

*An agreement between two or more independent bodies to work collectively to achieve an objective, excluding*

- *any contractual agreement entered into by the council eg PFI and procurement arrangements and service level agreements, except where these arrangements create a separate decision making structure*
- *any agreement where the council provides an organization with grant aid except where these arrangements create a separate decision making structure.*
- *any basic networking function*

PFI contractual arrangements are excluded in line with the Audit Commission and because they have their own regulatory framework.

Partnerships will vary in size, membership and function. Some partnerships are strategic, others are operational in focus; some partnerships attract dedicated funding, others do not.

The toolkit (s2) assists in the application of this definition and sets out some examples to illustrate whether particular arrangements do constitute a partnership arrangement within this framework.

## **2.5 Establishing a Register of Partnerships**

It is the responsibility of each director to identify all of the partnerships that the directorate is involved in, according to this agreed definition.

Using the above guidance on definition, a Partnership Registration Form (toolkit s3) can then be completed. All future partnership arrangements that the council is involved in will be registered in this way, following approval by the Executive.

Through this process, a lead officer will be identified for each significant partnership that will have ongoing responsibility to make sure:

- the council's responsibilities under the framework are carried out; and
- the partnership complies with the minimum standards set out under the framework.

The Partnerships Manager is responsible for maintaining this register of partnerships.

## 2.6 Significance

The council will review each of its partnerships annually to identify which partnerships are significant. It is the responsibility of each director to assess the level of significance of each partnership within the directorate.

To assess the significance of a partnership the council will take into account:

- the partnership's contribution to the achievement of priorities in the Corporate Plan, the Sustainable Communities Strategy and the Local Area Agreement
- the type of decisions the partnership makes
- whether the partnership is required by law or to secure funding
- the resources which the council contributes to the partnership
- the nature of the consequences if the partnership were to fail
- the extent to which the partnership helps the council to manage risk.

The scorecard within the toolkit (s4) sets out how these criteria are applied.

As part of the register, the Partnerships Manager will compile and maintain a database of those partnerships which are identified as significant.

## 2.7 Review & Evaluation

An annual review of the performance and effectiveness of each partnership is required to establish that the council's involvement provides value for money and adds value. Ultimately it will determine if the council wishes to continue to have an input into the partnership.

Each lead officer will need to carry out a governance review of the significant partnerships, according to the toolkit (s5) Form C – "Assessment Form". It is important that this is undertaken in conjunction with the specific partnership and the partnership takes responsibility too for compliance.

In undertaking this assessment, the link officer shall have specific regard to the nature of the partnerships governance framework. The toolkit (s6) sets out minimum standards for each partnership's governance arrangements. The arrangements should remain proportionate to the level of risk involved. Whilst these minimum standards apply to significant partnerships only, they should be recognised as good practice for all partnerships.

The partnership's governance arrangement should constitute a formal written agreement which sets out:

- The purpose and basis of the partnership
- Its membership and the roles of members



- Arrangements for the conduct of meetings including arrangements for declaring interests
- Decision making framework
- Information sharing protocols
- Dispute resolution procedure
- Risk management processes
- Financial arrangements
- Arrangements for monitoring and review
- Termination of and exiting from partnership
- Communications

The lead officer for each partnership will review the partnership's governing documents to ensure compliance with these minimum requirements.

The lead officer will confirm the position to the Partnerships Manager and provide:

- details of any failures to comply with a requirement; and
- a proposed time-scale for any follow-up actions to ensure compliance

The Partnerships Manager will monitor compliance with the framework, and will report on this to the Corporate Management Team

In addition, the Chief Finance Officer is required to assess the list of significant partnerships, to identify those with which the council has a significant financial relationship (i.e. to which the Council contributes a significant amount of finance and / or is the Accountable Body). This enables the Chief Finance Officer to focus efforts on reviewing the financial performance of those partnerships that are financially significant. In cases of high significance, priority needs to be given to maximising the robustness of the governance and financial management arrangements.

## **2.8 Risk Assessment & Risk Management**

Risk management is a key part of corporate governance. There are a number of risk areas which have been identified as typical to partnerships. It is essential therefore that the council undertakes robust risk management to identify and deal with the key risks in relation to the partnerships it is involved in, both to support the Partnership and the council in its pursuit of its goals. Prior to entering into a partnership the council should undertake a risk assessment and this will be reviewed annually as part of the above process.

The risk management tools developed as part of this framework are suitable for the council to utilise in its own review but also for any partnership to adopt as part their governance arrangements.

### **Undertaking a Risk Assessment**

Norwich City Council's risk management framework will be applied to the significant partnerships. It consists of the following six steps:

### **1. Knowledge of Strategic / Operational priorities:**

All risks must be identified. It is important to distinguish that generally strategic level risks are likely to affect the medium- to long-term priorities of the council and require longer term planning in order to address. Operational level risks, in contrast, tend to be more immediate in their impact and more susceptible to treatment in shorter time frames.

### **2. Identifying and assessing risks:**

Once all risks have been identified, the likelihood and impact of the risk needs to be assessed to arrive at a risk ranking

The scoring matrix and examples of risks according to level of severity are given in the toolkit (s7).

### **3. Compiling a Risk Register**

Once the risks have been identified by the council's lead officer for the relevant partnership, a central risk register should be compiled and maintained by the Partnerships Manager (toolkit s7)

### **4. Risk treatment:**

For all risks identified in the risk register as requiring treatment, a decision needs to be taken about how to manage the risk. There are four general approaches to be considered:

- avoid (do not undertake the activity that is likely to trigger the risk)
- reduce (control the likelihood of the risk occurring or the impact of the consequences if the risk does occur)
- transfer (either totally or in part e.g. through insurance or contract), and
- accept (the ability to take effective action against some risks may be disproportionate to the potential benefits gained).

**5. Monitoring and reporting:** The risk register should be maintained and regularly reviewed by the Partnerships Manager and reported to Corporate Management Team. Biannual monitoring and reporting of progress against action plans will be carried out.

**6. Reviewing:** The risk management process will be reviewed annually by the Audit committee to ensure emerging risks are identified and managed.

## **2.9 Equality and Diversity Impact Assessment**

The council has a duty to promote equality of opportunity, eliminate discrimination and promote good relations between different groups. To assist this process, it is the statutory requirement to conduct and publish Equality Impact Assessments (EIA).

Any partnership entered into by a local authority should seek to uphold the equalities duties, and support the public body in carrying out its statutory

responsibility. Good practice dictates that all partners demonstrate an engagement in the process of undertaking EIA's. Where the partnership is between public bodies under the same obligation, the responsibility is equal and a lead officer to undertake the EIA should be nominated. Where the partnership is with a voluntary sector or private partner, the lead officer will be from the local authority.

The EIA is a thorough and systematic way of evaluating partnership strategies and policies to ensure that they do not have an adverse impact on any particular group of people. The process will also help to identify any unmet needs or requirements and allow them to be addressed.

Whilst the EIA process should be ongoing, there are two key points within the Partnership Framework at which specific regard should be given to the EIA:

(1) Before entering into a partnership, a business case is to be made using the format set out in the toolkit (s1) and this should attach an equality impact assessment.

(2) The Partnership Governance framework should as a minimum include:

- A statement on how the partnership will operate and actively value the benefits of diversity and ensure fair treatment and equality of opportunity. This includes representation and participation on the partnership.
- A statement on how and when the partnership will carry out Equalities Impact assessments on the partnership activity. This should take place no later than six months for the larger significant partnerships and 12 months for smaller partnerships.

This council has adopted an integrated assessment model which embraces all the six equality strands (gender, disability, race, age, sexual orientation and religious/beliefs) together with human rights, integration and community cohesion.

The EIA is comprised of two parts and is set out in the toolkit s8:

- a) Initial Screening
- b) Full impact assessment

The lead officer for the partnership should complete the initial screening proforma and may wish to consult a wider reference group for comments and advice.

At the second stage, on conducting a full EIA the lead officer for the partnership will need to involve all members of the partnership

## **2.10 Developing a partnership**

Partnership working requires specific skills and abilities for it to be effective. The council will ensure that its training and development programme includes appropriate provision for officers and elected members to develop those skills and support them in providing positive contribution to the partnerships they are involved in.

The toolkit (s9 and 10) sets out protocols for both officers and elected members in working with partnerships.

## **2.11 Leaving a partnership**

There are several reasons why partnership arrangements or, specifically the council's involvement in a partnership, end. This may be because the partnership has achieved all that it set out to do, it has been replaced by another working arrangement, the funding has ceased, or the council's priorities have changed.

When exiting a partnership it is important to consider the following issues:

- Who owns any assets?
- Termination of any funding
- What happens to any staff employed by the partnership?
- Who is responsible for any outstanding liabilities?
- Are there any legal implications in withdrawing from the partnership?
- Are there any cost implications in withdrawing from the partnership?

The lead officer will need to complete a "Partnership Exit form" (toolkit s11) within three months of the council's decision to end its working arrangement with a partnership and this should be sent to the Partnerships Manager.

## **3. Acknowledgements**

In developing this framework, the Council has drawn heavily on the work of other local authorities and organisations which are recognised as examples of good practice in this field, in particular the work of Hull City Council, Birmingham City Council, Leeds City Council and Bournemouth Borough Council.



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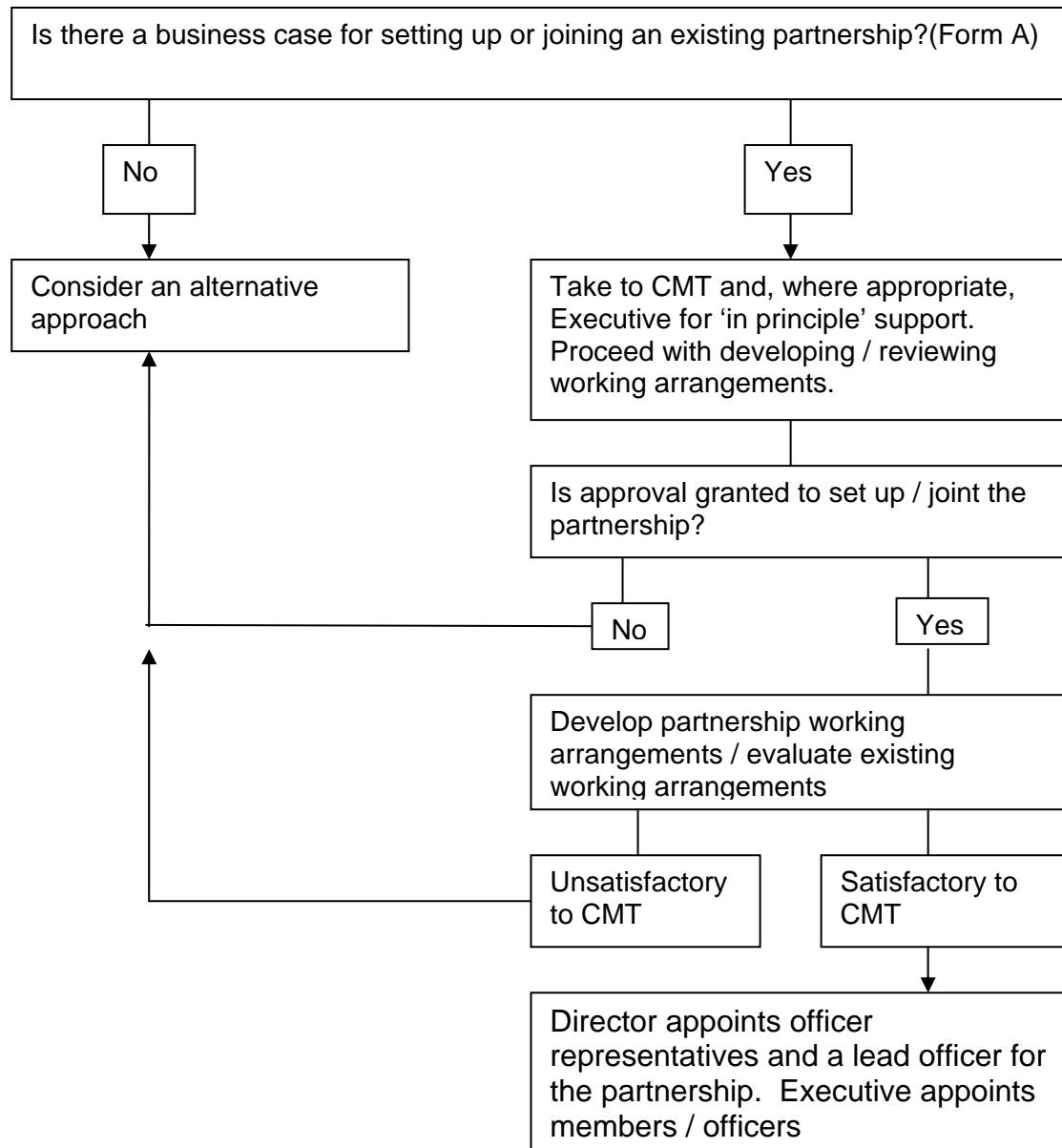
# The Partnership Toolkit

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# 1. Making the Business Case

## Starting a partnership



## 1.1 Form A – Making the Business Case

<b>Nature of the business case</b>	
1 This is concerned with: <ul style="list-style-type: none"> <li>• Setting up a partnership;</li> <li>• Joining an existing partnership;</li> <li>• Reviewing an existing partnership</li> </ul>	
2 Name of the partnership?	
3 Is the partnership statutory?	
<b>Assessment of 'fit' with the council and key policies</b>	
1 How does the partnership contribute to the: <ul style="list-style-type: none"> <li>• Corporate Plan</li> <li>• Sustainable Community Strategy</li> <li>• Local Area Agreement</li> </ul>	
<b>Partnership – key information</b>	
<b>Strategy</b>	
1 List the agreed/proposed objectives, SMART outcomes and targets?	
2 What is the intended lifespan?	
3 What is the exit strategy?	
<b>Membership</b>	
1 Which organisations make up the partnership?	
2 Are there any key players not in the partnership?	
3 If yes which ones?	
<b>Leadership and engagement</b>	
1 Who is the partnership accountable to?	
2 What is the role of the council?	
<b>Risk management and equality impact assessment</b>	
1 Attach the completed risk management assessment	
2 Attach the completed equality impact assessment	
<b>Excellence and efficiency</b>	
<b>Give specific examples of how the partnership delivers:</b>	
a) Value for money?	
b) Added value?	
<b>Resources</b>	
<b>1 What resources is the council providing in terms of:</b>	
a) Finance	
b) Staff	
c) accommodation	
d) Legal	



e) IT	
f) Administration	
g) Training	
h) Insurance	
i) Recruitment	
j) Payroll	
k) Health and Safety	
l) Advice	
m) Communication Tools	
n) Others	
<b>Answer all points with details</b>	
<b>Funding</b>	
1 When is funding for the partnership due to end?	
2 If the council leaves the partnership will any funding be lost to the city?	
3 If yes please give details	
<b>Other considerations for existing partnerships</b>	
<b>Reputation</b>	
1 Is there the potential for reputation damage to the council if it leaves the partnership?	
2 If yes, what is the risk and how can it be managed?	
<b>Authorisation</b>	
<b>Business case must be authorised by Director– details must include:</b>	
Name	
Date	
Job Title	
Contact telephone number	
Contact email address	

## 2. Is this arrangement a partnership?

It is the responsibility of each director to identify all of the partnerships that the directorate is involved with. Some arrangements will cut across a number of service areas and CMT will need to decide which Director takes responsibility

The first step will be to identify all arrangements including:

- voluntary and statutory arrangements;
- networking arrangements;
- executive and non-executive arrangements;
- joint ventures;
- strategic service delivery arrangements; and
- strategic arrangements for private sector procurement.

There may be other types, too.

### 2.1 Definition of partnership

Not all these joint working arrangements will fall within the adopted definition of partnership.

The definition of partnership adopted by the council is based upon the audit commission's definition as it has been adapted by other councils to date and recognised as good practice.

*An agreement between two or more independent bodies to work collectively to achieve an objective, excluding*

- *any contractual agreement entered into by the council eg PFI and procurement arrangements and service level agreements, except where these arrangements create a separate decision making structure*
- *any agreement where the council provides an organization with grant aid except where these arrangements create a separate decision making structure.*
- *any basic networking function*

#### ***“Two or more independent bodies”***

There must be at least one other body distinct from the council eg. a company; a voluntary sector organisation; another local authority or statutory body such as the police authority or a PCT.

When assessing whether a company is a partnership, consider who the members of the company are e.g. shareholders. Is there any other body who is a member of the company, as well as the council?

Bodies are independent if they are separate legal entities.

### ***“Working collectively to achieve an objective”***

If the council’s input is integral to achieving an objective, it is likely that the council is working collectively with the other body. If the council’s input is minor or incidental, the arrangement may not be a Partnership, it may be an “outside body”.

### ***“Contractual arrangements and Grant arrangements”***

A contractual or grant arrangement will only be partnership where it creates a separate decision-making structure.

A PPP - Public Private Partnership - will come within the definition if it is a Contractual arrangement that creates a separate decision-making structure – see example.

PFI – Public Finance Initiatives – are specifically excluded from the definition, and so will never come under the governance framework.

### ***Separate Decision Making Structure***

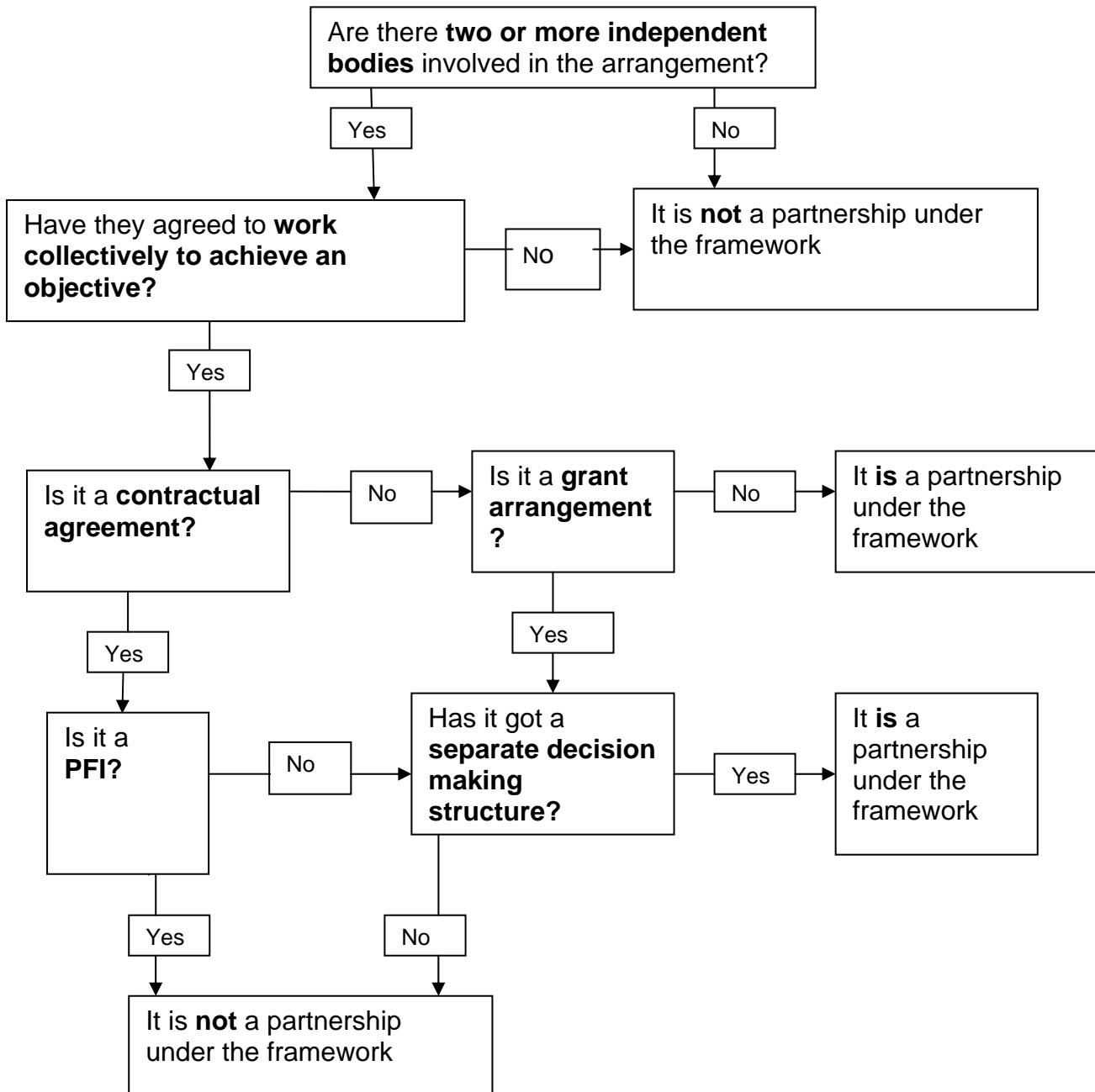
By this we mean a formal forum created by the arrangement, which gives the council a role in making decisions. The forum will have agreed rules about meetings, representation and voting rights.

The forum may be for:

- Joint decision-making; or
- Consultation, before one or more bodies formally make a decision.

## 2.2 Partnership Flowchart

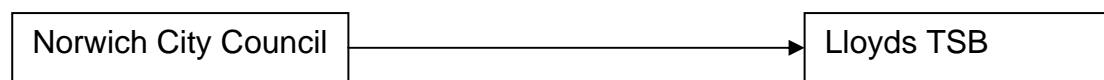
Use this flowchart to help you work out whether an arrangement is a partnership under the definition.



## 2.3 Examples - How to apply the definition

These examples are not intended to provide a definitive assessment of whether each arrangement is a partnership, and are illustrative only.

### Example 1: The contract

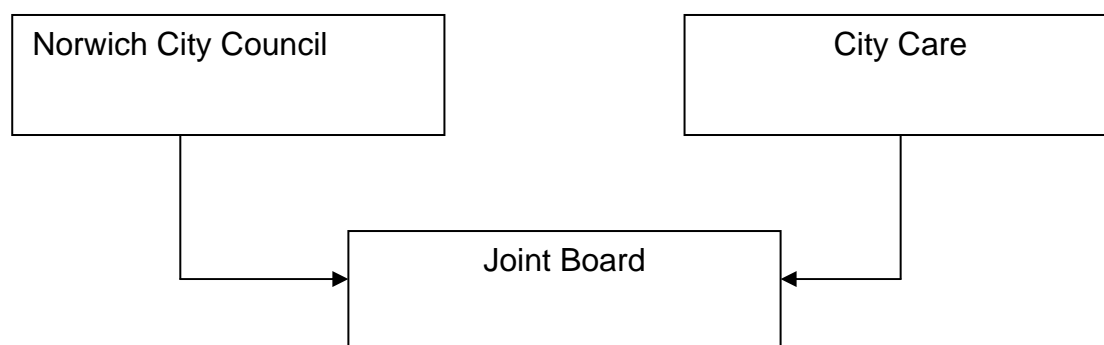


The council has entered into a contract with Lloyds TSB to provide a pool car facility. The contractual arrangement involves two bodies: the council and Lloyds TSB. They are separate legal entities, and so are independent bodies. They may be working collectively to achieve objectives. It is not a PFI.

A contractual arrangement entered into by the council is not a partnership, except where these arrangements create a separate decision-making structure. As there is no separate decision-making structure, this is not a partnership.

This arrangement is equally evident in the contract Norwich City Council has in relation to green waste and its composter.

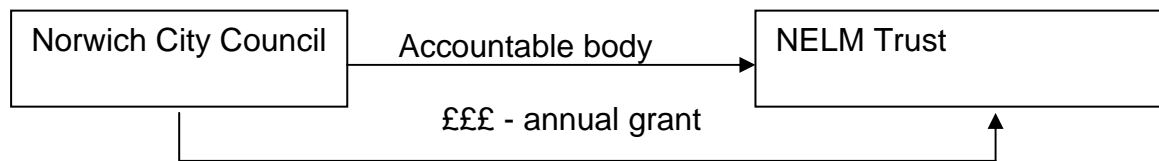
### Example 2: The contract with a separate decision-making structure.



This contractual arrangement with City Care is further developed since it has a separate decision-making structure- a Joint Board. In this respect it is a partnership.

A similar arrangement previously existed with Steria, as a separate Review Board was initially established. However that formal structure no longer exists and, without it, the arrangement falls into a straight forward contractual arrangement as in the first example above. In addition, the 15 year contractual arrangement was set up as a PFI and for this reason too falls outside of the definition of “partnership”.

### Example 3: Grant arrangements with a separate decision making structure

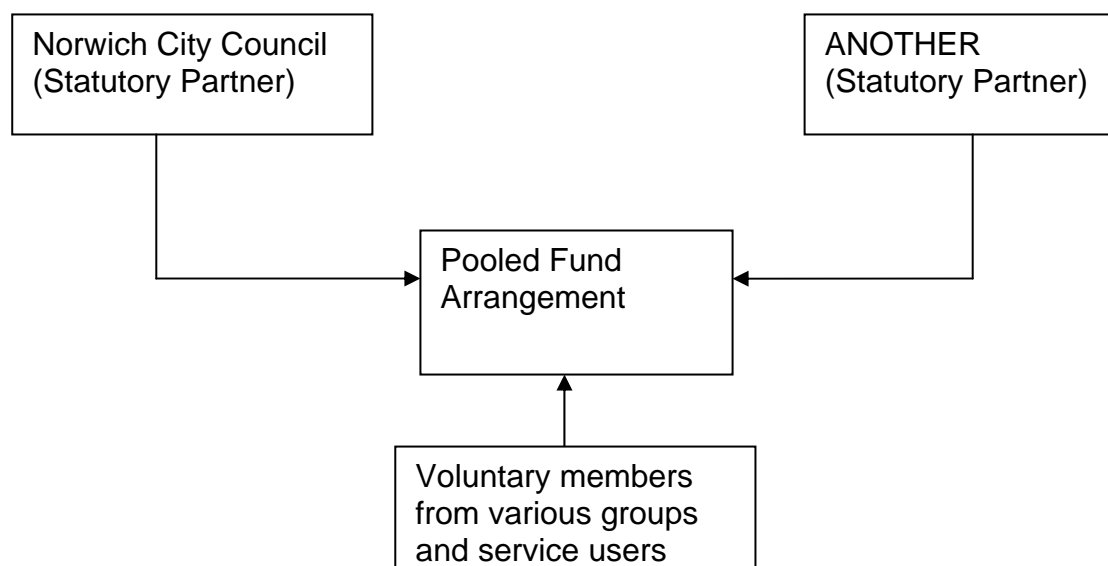


The CLG/ GO East allocate a grant to be managed by NELM Trust and Norwich City Council act as the accountable body.

The arrangement involves three independent bodies. They have agreed to work collectively to achieve an objective.

However, a grant arrangement entered into by the council will not be a partnership, except where the arrangements create a separate decision-making structure. So If the Trust takes decisions about the grant, without input from the council through a separate decision-making structure, the grant arrangement would not be a Partnership. This is not the case as Norwich City Council is represented on the Trust's decision making Board

### Example 4: A Contract with a pooled fund and separate decision making structure

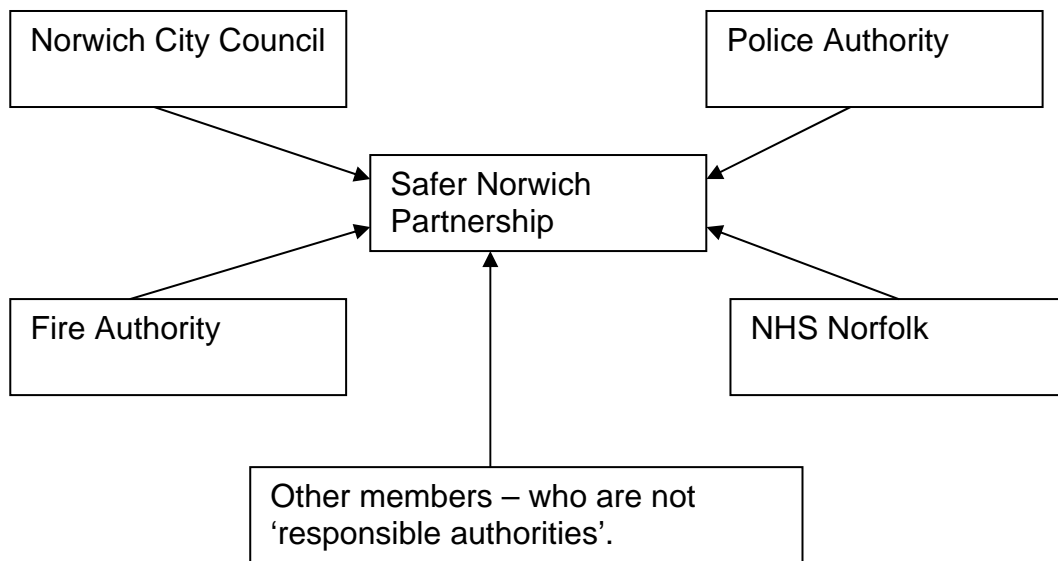


Norwich City Council and ANOTHER are two independent bodies.

They may have agreed to work collectively to achieve an objective. They have a contractual arrangement. It is not a PFI. A contractual arrangement entered into by the council is not a partnership, except where the arrangements create a separate decision-making structure.

The partnership agreement requires a pooled fund and a Partnership Board to Manage the pooled budget. The Partnership Board is a separate decision-making structure. Therefore, this is a partnership.

**Example 5: A Statutory Partnership**

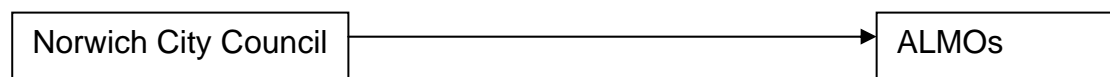


The 1998 Crime and Disorder Act require “responsible authorities” to audit crime and produce a Crime and Disorder Reduction Strategy. They achieve this through the Safer Norwich Partnership.

Safer Norwich is made up of a number of independent bodies. They work collectively to achieve objectives. It is not a contractual arrangement or grant arrangement. Therefore, Safer Norwich is a partnership.

**Example 6: ALMOs**

Whilst Norwich City Council does not currently have any ALMOs, the following description is included for completeness of definition



Arms’ Length Management Organisations are companies that are wholly owned by the council. No other body is a member. Each company does not therefore involve two or more independent bodies.

So, the ALMOs are not partnerships.

### 3. Form B - Partnership Registration Form

<b>Partnership Name</b>

<b>Key objective / purpose of partnership</b>

<b>Is the partnership Statutory? Yes / No</b>	<b>Partnership Category: Major / Significant / Minor</b>

<b>Norwich City Council: Lead officer and Directorate</b>

<b>Which areas of the Corporate plan does this partnership contribute towards?</b>		
Strong and prosperous city	Y/N	
Safe and healthy neighbourhoods	Y/N	
Opportunities for all	Y/N	
Aiming for excellence	Y/N	

<b>Which areas of the City of Norwich partnership plan does this partnership contribute towards?</b>		
Economic growth and enterprise	Y/N	
Environmental Excellence	Y/N	
Culture and creativity	Y/N	
Safe and stronger communities	Y/N	
Health and well being	Y/N	
Learning and personal development	Y/N	

<b>Partners (please list).</b>

<b>Lead Authority / Partner</b>

<b>Date Partnership began</b>

<b>Length of time partnership is expected to run</b>

<b>Completed by:</b>	<b>Date:</b>



## 4. Criteria for significance

On registering each partnership will be assessed for significance and thereafter on an annual basis.

The governance framework requires you to take the following into account When you are assessing a partnership's significance:

- the partnership's contribution to the achievement of priorities in the Corporate Plan, the Sustainable Communities Strategy and the Local Area Agreement
- the type of decisions the partnership makes
- whether the partnership is required by law or to secure funding
- the resources which the council contributes to the partnership
- the nature of the consequences if the partnership were to fail
- the extent to which the partnership helps the council to manage risk.

A scorecard has been developed to assist in applying these criteria and is set out on the next page.

## 4.1 THE SIGNIFICANCE SCORECARD

	Description	Insignificant (Score "1")	Minor Significance (Score "2")	Moderate Significance ("3")	Major Significance (Score "4")	Highly Significant ("5")	Score
1	<b>Relationship to Corporate Priorities: to what extent is this partnership a prerequisite for the successful delivery of a corporate priority.</b>	Not linked to any divisional, departmental or corporate priorities	Indirect links to successful achievement of a single service priority only	Essential to successful achievement of a divisional priority only	Essential to successful achievement of a department priority only	Essential to successful achievement of 1+corporate priorities	
2	<b>The partnership takes decisions on behalf of or which are binding on the Council</b>	The partnership does not take decisions on behalf of the Council (e.g. it discusses issues / shares best practice only)	The partnership does not take decisions on behalf of the Council but Council reps feed back to officers with decision making authority who consider its recommendations.	The partnership does not take decisions on behalf of the Council but reps with decision making authority attend the partnership and consider recommendations.	The partnership does not take decisions on behalf of the Council but reps with decision making authority attend & agree to be bound by its decisions.	The partnership has decision making responsibilities directly delegated to it from the Council	
3	<b>Statutory or Regulatory Context: is the Council required to set up the partnership by law or in order to receive additional funding / meet a requirement of the assessment regime / statutory guidance.</b>	Not required by law or for funding	Indirect links to successful achievement of funding or achievement in CPA	Limited links to successful achievement of funding or achievement in CPA	Direct links to successful achievement of funding or achievement in CPA	The Council is <b>required</b> to participate in this partnership by law or to receive specific funding	
4	<b>Partnership costs: the Council directly contributes money to the partnership, resource, or money is directed thro the Council's accounts</b>	< £10K	£10K to £50K	£50K to £75K	£75K to £100K	< £100K	
5	<b>Impact: consequences of p/ship failure for Council: financial political</b>	Consequences of insignificance	Consequences of minor significance	moderate Significance	Consequences of Major Significance	Consequences Highly significant	
6	<b>Risk: the partnership contributes to the management of risks identified on corporate or departmental risk registers.</b>	The partnership does not contribute to the management of high priority risks so identified	The partnership indirectly contributes to the management of high priority departmental risks	The partnership directly contributes to the management of high priority departmental risks	The partnership indirectly contributes to the management of a high priority corporate risk	The p/ship directly contributes to the management of a high priority corporate risk	
<b>TOTAL:</b>							
<b>HIGHEST POSSIBLE SCORE (No. of questions answered x 5)</b>							<b>30</b>
<b>IMPACT SCORE "Total" divided by "Highest Poss Score" x100</b>							

## 5. Reviewing a Partnership

Once you have identified all the significant partnerships you are involved in you will need to appoint a lead officer for each partnership who will undertake an initial partnership review and with the support of the Partnerships Manager, be responsible for this process annually thereafter. The link officer should work with the partnership to assess the arrangement according to the criteria within Form C. To assist this process, reference should be made to its Governance framework, as outlined in Section 6 of this Toolkit.

The form should then be returned to the Partnerships Manager.

### 5.1 Form C -The Assessment Form

<b>CLEAR SHARED PRIORITIES:</b>	
What is the partnership's purpose?	
Is the purpose clear and achievable?	
How do the partnership's aims and outcomes contribute towards achieving the Council's Corporate Plan?	
What is the predicted timescale for the partnership meeting its purpose?	
What are the expected outcomes for the Council from its involvement in the partnership?	
What alternative options were considered to achieve this purpose other than to go into partnership?	
<b>THE RIGHT MEMBERS APPOINTED TO THE PARTNERSHIP:</b>	
Who are the key members of the partnership?	
How are the members of the partnership selected?	
Who is the lead member of the partnership?	
How often is membership of the partnership reviewed and by whom?	
Are there any gaps in membership?	
Who represents the Council on the partnership and how were they selected?	
How are service users and communities involved with the work of the partnership?	
<b>CLEARLY DEFINED ROLES AND RESPONSIBILITIES:</b>	
Does the Council's involvement in the partnership need Executive or Council approval?	
What is the role of the Council representative on the partnership?	
What is the role of any support in the form of staff provided to the partnership?	
What is the Council representative's liability with regards to the partnership?	
How are individual partner's roles and responsibilities within the partnership agreed and defined?	

As a whole, what is the partnership's main role and responsibility?	
<b>IDENTIFICATION AND USE OF RESOURCES :</b>	
What financial resources does the Council provide to the partnership?	
What material resource such as property etc does the Council provide to the partnership?	
What assets in the form of people does the Council provide to the partnership?	
What resources do other partners provide to the partnership?	
How is best use of resources agreed and monitored by both the Council and the partnership?	
How does the partnership demonstrate it is providing best value for money?	
<b>GOOD PERFORMANCE MANAGEMENT:</b>	
How does the partnership measure, monitor and evaluate its performance?	
What financial monitoring systems are in place in the partnership, and who manages them?	
How does the Council monitor and evaluate its involvement in the partnership in relation to its own priorities?	
How does the partnership make decisions, and how are these recorded?	
How often is the Council's engagement in the partnership reviewed?	
<b>EFFECTIVE COMMUNICATION :</b>	
What are the communication mechanisms in place within the partnership?	
How are details of key decisions made by the partnership recorded?	
How does the partnership communicate with its stakeholders and the wider community? How is information about this partnership shared within the Council?	
How can Elected Members, Officers and the wider community communicate with the partnership?	
<b>RISKS AND AGREED EXIT STRATEGY:</b>	
What are the risks associated with the Council's involvement with this partnership?	
How are conflicts of interest resolved?	
What is the Council's liability with regards to the partnership?	
How is the partnership's work monitored to ensure that it is still aligned with the Council's priorities?	
If working in partnership is no longer appropriate what is the Council's exit strategy?	
What are the implications for leaving the partnership in terms of finance, resource, legal and publicity?	
At what level does the decision to exit the partnership need to be taken ?	

## 6. Partnership Governance Framework

All significant partnerships should have a partnership agreement or governance framework that covers the following headings. This model combines and consequently should be encouraged for all partnerships, significant and not significant.

### **Aims and objectives of the partnership**

List the aims and objectives of the partnership here.

### **Partnership Principles**

For example:

*The members agree to work together actively to achieve the aims of the partnership, on the basis of:*

- *Visible commitment and 'ownership' by the various member organisations and individual representatives;*
- *Mutual trust and respect;*
- *Openness and transparency;*
- *Effective communication and accountability;*
- *Shared ownership of resources, where appropriate;*
- *Combined expertise;*
- *Creative and innovative solutions to problems*
- *Identification and sharing of best practice, based on mutual learning;*
- *Removal of barriers to equality of access and opportunity;*
- *Clear purpose, clarity of expectations and agreed targets for action;*
- *Effective decision making;*
- *Shared mechanisms for risk management, monitoring evaluation, reviewing and reporting on performance, progress and success;*
- *Allowing each constituent member unobstructed access to the audit records of the partnership, on request.*

### **Terms of Reference**

List the Terms of reference (the purpose) of the partnership here.

### **Roles and Responsibilities**

List the roles and responsibilities of each of the constituent members of the partnership here. It may be appropriate to talk more generally about what the voluntary and community sector, the business sector and the public sector members bring to the partnership as groups.

## **Membership and Terms of Office**

List information such as:

- The number of representatives from organisations in the public, private and the voluntary and community sectors, which are actively involved in the area (equal representation is not a requirement) and why they were selected;
- A list of the constituent members and the number of representatives they have on the partnership;
- Details of the Chairs and Vice-chairs of the partnership;
- Arrangements for review of the membership and any time limits that an individual representative can serve on the partnership;
- Evidence that the membership of the partnership reflects the characteristics and aspirations of the area / people it has been set up to serve.

## **Equalities and Inclusion**

A statement on how the partnership will operate and actively value the benefits of diversity and ensure fair treatment and equality of opportunity. This includes representation and participation on the partnership.

A statement on how and when the partnership will carry out Equalities Impact assessments on its functions, policies and services. This should take place no later than six months for the larger significant partnerships and 12 months for smaller partnerships.

## **Accountability**

A statement about how and to whom the partnership is accountable and what that accountability includes.

A statement on the constituent member's accountability to each other including any expectations of behaviour.

## **Financial arrangements**

A statement setting out the financial arrangements of the partnership and liabilities.

## **Meetings**

- The minimum number of meetings in a period;
- Posting of meetings – including if open or closed;
- Convening of extraordinary meetings;
- Responsibility for the setting of meetings, agendas, working papers, minutes, etc;
- Venues – why and how are chosen;
- Acceptability of meeting times;

- Representation and quorum;
- Expectation of behaviour in meetings;
- Replacements at meetings and any protocols to be followed;
- Declarations of interest and protocols on withdrawal from meetings.

### **Disrepute and Conflict Resolution**

A statement on behaviour that could reasonably be expected to bring a partnership into disrepute.

A short list could include:

*Members of the partnership:*

- *Must not use their position improperly, confer on, or secure for themselves or any other person, an advantage or disadvantage;*
- *Must ensure that activities are not undertaken for political purposes;*
- *Must not unduly influence any person in the paid employment of any of the partner agencies.*

A statement on the systems and procedures that exist to resolve issues of conflict within the partnership.

### **Information Sharing Protocol**

Working protocols must be specific to the particular operational requirements of any partnership and should be developed with the support of relevant professionals and representatives.

An information sharing protocol should address:

- Disclosure of data
- Request for data
- Respond to requests
- Transfer of data
- Receiving data
- Purpose of sharing /storing data
- Review protocol procedures
- Professional codes of conduct

It is good practice to specify and document each activity of information sharing by:

- Describing WHAT information is to be shared and for WHAT purpose
- Describing in detail HOW information is to be shared ( flowcharts can be useful here)
- WHO is responsible for the information at each stage including access and disclosure, and WHO will be responsible for reviewing and monitoring information sharing procedures

Protocols developed for information sharing do not have any legal standing but are helpful in setting out good practice within a partnership and building common understanding and trust.

### **Secretariat**

A short statement on which constituent member(s) will provide the secretariat function.

### **Termination of partnership involvement**

A short statement on written notification to the Chair and secretariat of the intention to leave the partnership. Also state any notice period required for any exceptions.

### **Review and alteration to the governance framework**

A short statement that sets out frequency and method for reviewing the Governance Framework, including protocols for amending it.



## 7. Risk Assessment & Management Tools

Prior to entering into a partnership the council should undertake a risk assessment and this will be reviewed annually.

Using the Risk Register form on the next page all risks should first be identified.

Then using to the matrix below, the likelihood and impact of the risk needs to be assessed to arrive at a risk ranking,. By multiplying the two factors, a risk ranking of **low** (green), **medium** (amber), **high** (orange) or **very high** (red) can be set (see table). The “very high” risks will be those that can seriously impact on the partnership and/or the council, and will require particular focus.

		Impact / Consequences				
		Insignificant (1)	Minor (2)	Moderate (3)	Major (5)	Catastrophic (7)
Likelihood / Probability	Very High (5)	5	10	15	25	35
	Likely (4)	4	8	12	20	28
	Possible(3)	3	6	9	15	21
	Unlikely (2)	2	4	6	10	14
	Rare (1)	1	2	3	5	7

Those risks requiring action need to be listed in the risk register and an improvement plan developed by the lead officer. Biannual monitoring and reporting of progress against action plans will be carried out.

Level of risk	Level of concern	Consequences	Action required	Risk treatment option(s) available
Very High 16 -35	Very concerned	Disastrous Impact	Comprehensive action is required immediately	Transfer Avoid Reduce
High 8 – 15	Concerned	Severe Impact	Action is required within 3 months	Transfer Avoid Reduce
Medium 3 – 7	Uneasy	Medium Impact	Managed via contingency plans. Action plans to be developed within 6 months	Transfer Avoid Reduce Accept – but must have contingency plan in place
Low 1 – 4	Content	Relatively light impact	The Council is prepared to accept this risk	Accept Reduce – if cost effective

A central risk register should be compiled and maintained by the Partnerships Manager, who will regularly review it and report to Corporate Management Team.

The risk management process will be reviewed annually by the Audit committee to ensure emerging risks are identified and managed.

# RISK REGISTER AND IMPROVEMENT PLAN

<b>What is the RISK:</b>	
--------------------------	--

What events / scenarios could <b>TRIGGER</b> the risk, and what would be the <b>CONSEQUENCES</b> ?	What <b>CONTROLS / MEASURES</b> are in place to eliminate, reduce or mitigate this risk?	Who will action this Measure?	How would you <b>RATE</b> this risk once these additional controls are implemented?		
			<b>IMPACT</b>	<b>LIKELIHOOD</b>	<b>RISK RATING</b>

<b>IMPROVEMENT PLAN</b>					
What <b>FURTHER MEASURES</b> can be implemented to control the risk further?	Estimated <b>COST</b>	Who will action this Measure?	Target Date	How would you <b>RATE</b> this risk once these additional controls are implemented?	
				<b>IMPACT</b>	<b>LIKELIHOOD</b>

## 8. Equality and Diversity Impact Assessments

Before entering into a partnership, a business case is to be made using the format set out in the toolkit (s1) and this should attach an equality impact assessment, which follows the attached proforma

### DIA screening and initial assessment proforma

**1. Title of partnership, function or project**

--

**2. What are the aims and objectives**

--

**3. Who are the key stakeholders**

--

**4. What evidence (data/information) has been used for this initial screening**

--

**5. Is there any evidence (or potential) that different groups could be, or are, affected adversely or positively by the policy**

	Yes	No	Not known
Age			
Disability			
Gender			
Racial group			
Religion or belief			
Sexual orientation			

**Please comment:**

--

**6. Is there any evidence that different groups have different needs in relation to this policy**

	Yes	No	Not known
Age			
Disability			
Gender			

Racial group			
Religion or belief			
Sexual orientation			

**Please comment:**

**7. Have any concerns been highlighted during consultation with any of the relevant groups**

	Yes	No	Not known
Age			
Disability			
Gender			
Racial group			
Religion or belief			
Sexual orientation			

**Please comment:**

**8. Is there an opportunity to promote equality of opportunity or good relations amongst different groups**

Yes / No

**If yes, please give further detail:**

**9. Are there any other groups that have been or should be consulted**

**Please specify:**

**10. Any other comments on the policy and/or screening exercise**

**11. What is your initial assessment of the relevance of this Partnership/ policy or function to the following equality strands**

	<b>High</b>	<b>Medium</b>	<b>Low</b>
Women and Men			
People with a Disability: <ul style="list-style-type: none"> <li>• Learning Disabilities</li> <li>• Mental Health Problems</li> <li>• Physical Disabilities</li> </ul>			
Racial group: <ul style="list-style-type: none"> <li>• Minority Ethnic groups including Travellers/Gypsies</li> <li>• New Communities i.e. refugees, asylum seekers, dual heritage/mixed race</li> </ul>			
Age: <ul style="list-style-type: none"> <li>• Young People</li> <li>• Older People</li> </ul>			
Sexual orientation, including transgender people			
Religion or belief			
Promoting Community Cohesion			
Human Rights Act			

**12. On the basis of this assessment should there be a full impact assessment carried out**

Yes /No

**Please give further details:**

**Lead Officer for Partnership:** .....

**Job Title:** .....

**Date:** .....

**Diversity Impact Assessment  
Full Impact Assessment Proforma**

<b>Title of Partnership, policy, or project</b>		
<b>Aims and objectives</b>		
<b>Key stakeholders</b>		
Stage 1	Screening and initial assessment	
Stage 2	Gathering data and information	
Stage 3	Making an assessment prior to consultation	
Stage 4	Consultation	
Stage 5	Making a decision	
Stage 6	Monitoring	
Stage 7	Publishing results	
<b>Lead Officer for Partnership:</b>		
<b>Job Title:</b>		
<b>Date:</b>		

## **9. Protocol for elected members involved in any work with outside bodies**

### **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 in this protocol that you do not understand or require clarification on should be discussed with the chief legal officer, political group leader, the chief executive or the appropriate director.

Elected members should ensure that all partnerships that they are involved with have a clear governance framework similar to that in Section 6 of this toolkit.

### **Protocol**

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

### **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. The group leader may want to discuss the partnership and aspects of work with the chief executive. The elected member should only accept or become involved after receiving approval from their group leader and the formal approval of the Executive.

It is the responsibility of the chief executive to determine what the elected member's role is and if they are representing the council. The elected member and Corporate Management Team also need to inform the Partnerships Manager of the elected member's involvement.

### **Prohibition on signing contracts**

Elected members 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.

### **Prohibition on provision of financial, technical or legal advice.**

Elected members should not provide financial, technical, or legal advice to a partnership. Advice is available on these issues and may be taken when necessary. They must ensure that the partnership arranges indemnity insurance as appropriate, details of which should be provided to the council's insurance officer.

Professional or trustee indemnity insurance will not always be appropriate. The cost of such insurance could be prohibitive for smaller groups with only a small income and no employees. In this case, a risk assessment should be carried out to ensure that financial systems are in place to prevent financial or legal difficulties.

### **General**

Elected members must report any change in personal circumstances which may create a new or perceived conflict of interest. Elected members must also discuss with the partnership any new issues concerning potential conflicts of interest or issues which impact on their role as an elected member for Norwich City Council – changes to the aims, constitution or position of the partnership that could be contrary to the public or the council's interest. If in doubt, advice should be sought from the chief legal officer.

Elected members must also remember that if they act as a trustee of a charitable partnership or body, their first duty is to the charity. However elected members must also remember that, when working within a partnership, they remain elected members of Norwich City Council and are still bound by the relevant Codes of Conduct in the City council constitution. They should actively encourage the partnership to follow similar practices and procedures and must immediately report to their group leader / chief executive if they feel that the partnership is not acting in a manner acceptable to the council or in the public interest.



## **10. Protocol for officers involved in any work with outside bodies**

### **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 in this protocol that you do not understand or require clarification on should be discussed with your line manager or with the chief legal officer before any involvement with outside bodies is accepted.

### **Personal responsibility of employees**

Employees 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.

### **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 risk and liabilities.

### **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 extent of their involvement with their line manager. The manager may want to discuss the partnership with their head of service or with the chief legal officer before any involvement with outside bodies is accepted, if the employee is unsure about potential liabilities.

The employee must receive approval, in writing, from their line manager (but sanctioned by the head of service) before accepting any position on the partnership. Some high profile appointments may require CMT approval.

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

### **Notification to head of service, legal and finance**

It is the employee's manager's responsibility to ensure that the head of service is aware of the council's involvement in any partnership and also to inform the Partnerships manager.

### **Prohibition on signing contracts without legal advice**

Employees working for a partnership must not sign any contracts or legally binding documentation on behalf of the partnership unless written confirmation of legal advice confirming acceptability is provided.

### **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 line manager.

It is the responsibility of the Head of Finance, when they are informed of the establishment of or the 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 commitment made to the partnership to provide financial advice and support must be made after approval from the financial controller.

### **General**

Council officers must report any changes in personal circumstances which may create a new or perceived conflict of interest. If in doubt, advice should be sought from the chief legal officer.

Council officers must also remember that, if they act as a trustee of a charitable partnership or body, their first duty is to the charity. However, when working within a partnership, they remain officers of Norwich City Council and are still bound by the relevant Codes of conduct in the City Council Constitution. They should actively encourage the partnership to follow similar practices and procedures and must immediately report to their manager if they feel that the partnership is not acting in a manner acceptable to the council or in the public interest.

## 11. Partnerships Exit Form – Form D

<b>Partnership Name</b>	
<b>Date the formal decision was made to end the council's working arrangement?</b>	
<b>For what date will/did active involvement end?</b>	
<b>Why was involvement ended</b>	
<b>If failure to deliver was identified, was this a result of system failures? Y/N</b>	
<b>If yes, what were they?</b>	
<b>State up to three things that the partnership achieved</b>	
<b>State up to three examples of best practice exhibited by the partnership</b>	
<b>State up to three things that the partnership could have done better</b>	
<b>Completed by:</b>	<b>Date:</b>