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Protocol for local authority partnership working

Introduction

Standards for England firmly believes that high standards must be at the heart of all local government decision making. Partnership working between local authorities and other agencies - public bodies, the private sector and the voluntary sector - is an increasingly important aspect of public service delivery. Good governance of partnership arrangements enables an authority to work more effectively and to manage risk.

Partners involved in local authority decision-making who are not members of an authority are not subject to the same rules governing their behaviour as elected or co-opted members on the same bodies.

To help address this, Standards for England has developed a **partnership behaviour protocol**. The values and behaviours in the protocol were developed in conjunction with Manchester City Council and some of its partners. As well as being devised through consultation, the protocol also draws on, and is consistent with, the CIPFA SOLACE (Chartered Institute of Public Finance Society of Local Authority Chief Executives) Good Governance Framework and the General Principles for the conduct of people in public life. These ten general principles are set

out in the Relevant Authorities (General Principles) Order 2001.

Our approach involves partners developing a shared set of values and behaviours that they think should underpin their partnership work.

We invite local authorities to use our protocol and either adopt it wholly or adapt it to fit their own circumstances.

The purpose of the partnership behaviour protocol

Because of the variety of forms that local authority partnership working takes, there can be considerable variation in partnership governance arrangements.

Different partners may be accustomed to working in different ways, and there may be inconsistency in the guidelines that partners are working to and how these guidelines are enforced.

The Protocol for partnership working attempts to address these inconsistencies to improve the governance of partnerships.

Good governance can help promote:

- high quality leadership
- good decision making
- clarity in relation to roles, responsibilities and activities
- successful working relationships

The partnership behaviour protocol aims to:

- embed high ethical standards in partnership working
- address the disparity of rules and scrutiny governing those involved in local decision making
- enable partners to agree what behaviour they can expect from each other
- help partners hold each other to account and encourage constructive challenge between partners
- help partners to exercise leadership by demonstrating their own high standards of behaviour to other partners and to the public
- promote trust amongst the general public, demonstrating the partners' commitment to behaviour of a certain standard
- improve performance management

Suggestions for using the partnership behaviour protocol

We encourage local authorities and their partners to adapt the partnership behaviour protocol to fit local circumstances.

Forming partnerships

The protocol can be used to:

- assess the compatibility of partners by asking them to sign up to some common values and behaviours
- form part of a tendering process, asking potential partners if they would be willing to sign up to and provide evidence of the values specified

Managing partnerships

The protocol can be used to:

- form part of the partnership governance documents used by local authorities to set out the minimum governance requirements for their partners. The protocol will help demonstrate the values of good governance through upholding high standards of conduct and behaviour, in line with principle three of the CIPFA SOLACE Good Governance Framework.

- monitor the values and behaviours of partnerships on an ongoing basis
- enable those engaged in partnership working to hold each other to account for the values and behaviours outlined in their agreed protocol
- aid mediation on a disagreement by providing reference to clearly defined commitments by partners
- promote transparency and accountability of partnership decision making. Once a local protocol is finalised and all members of the partnership have signed up to it, the protocol should become a public document. The protocol should be easy to understand and make what are sometimes complex arrangements and accountabilities clear to the general public.

Overseeing partnerships: a role for the standards committee?

Note: The partnership behaviour protocol does not have a statutory basis or have sanctions attached to it. Despite this, authorities may wish to consider the role of their standards committee in maintaining and overseeing adherence to the partnership behaviour protocol.

We suggest that standards committees could:

- act as chief promoters and champions of the partnership behaviour protocol
- be well suited to oversee both the implementation of and adherence to the partnership behaviour protocol
- play an active role where issues do arise in a partnership, for example one partner challenges another partner about their behaviour in relation to the protocol
- mediate between partners where agreement cannot be reached or issues cannot be resolved

Local authority partnerships and the Code of Conduct

To align standards of behaviour in local government partnerships some have suggested that all partners sign the members' Code of Conduct. However, the statutory instrument, *The Local Authorities (Model Code of Conduct) Order 2007*, lists the authorities to which the Code applies and was issued by the Secretary of State to apply to members and co-opted members of these authorities only. It is a piece of legislation that cannot be made to apply to other bodies or individuals without approval by Parliament.

While those working in partnership with local authorities could sign up voluntarily to principles similar to those set out in the Code, partners would remain outside the statutory local government standards framework. This approach may also provide a disproportionate response to aligning standards that could discourage some bodies from working with local authorities.

The partnership behaviour protocol and local authority legal requirements

The suggested approach to developing a partnership behaviour protocol is **in addition to compliance with legal requirements**. The partnership behaviour protocol does not replace, but supports, the following:

- legal requirements on equal opportunities and anti-discrimination
- required mechanisms for good governance (rather than the values that underpin them) such as financial probity, systems for establishing value for money and good practice around contracting and procurement

Template

- ▶ Protocol for partnership working template

The research underpinning the development of the partnership behaviour protocol was undertaken by Manchester Business School. A copy of the research report, detailing the methodology used, is available here: MBS research - protocol partnership working

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