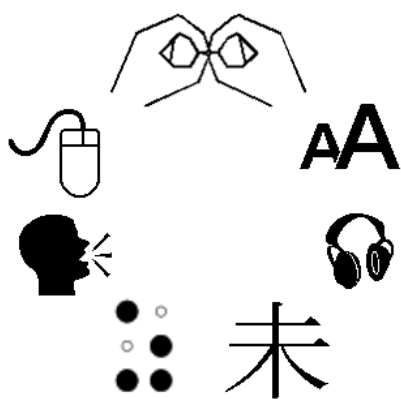


Informing, Consulting & Partnership

code of practice



If you would like help to understand this document, or would like it in another format or language, please contact the Voluntary Sector Liaison Officer at Herefordshire Council Community Regeneration Team on 01432 383038 or email compact@herefordshire.gov.uk

Contents

	Page
What is the Herefordshire Compact	3
What is this Code of Practice	3
What is the Code's purpose	3
Who is the Code for	3
Shared values for working together	4
Undertakings	4
Commitments	5
Understanding working together	6
Standards for informing	6
Standards for consulting	7
Standards for partnership	8
Confidentiality	9
Breach, mediation and review	9
Appendices	10-12

1 What is the Herefordshire Compact?

- 1.1 The Herefordshire Compact is a mutual agreement between local voluntary and community, public and private sectors in Herefordshire to support and improve partnership working between the sectors.
- 1.2 The Herefordshire Compact is also a framework which guides how the sectors will work together through the codes of practice, of which this is one.

2 What is the Informing, Consulting and Partnership Code of Practice?

- 2.1 The Informing, Consulting and Partnership Code of Practice is one of the codes which support the Herefordshire Compact. It states undertakings on good practice in working together which members of the Herefordshire Partnership¹ have agreed to.

3 What is the Code's purpose?

- 3.1 To make a positive impact on the relationship between the public sector², third sector³ and private sector through their commitment to working together.
- 3.1 Recognise that working together will achieve more for the people and communities of Herefordshire than would have been achieved by working separately.
- 3.3 To set out values, undertakings and standards in order to strengthen relationships and clarify expectations between partners⁴ or stakeholders⁵.
- 3.4 To provide a reference for reviewing how partners and stakeholders have worked together.

4 Who is the Code for?

The Informing, Consulting and Partnership code of practice is for:

- 4.1 Public sector and third sector organisations belonging to the Herefordshire Partnership, and their stakeholders or partners.
- 4.2 Private sector organisations who accept the values, principles and standards in the Code.

1 Herefordshire Partnership *The Local Strategic Partnership and comprises public, private community and voluntary organisations committed to making a difference in the quality of life for people who live and work in the county.*

2 Public sector *Public bodies including councils, police and fire service.*

3 Third sector *Voluntary and community organisations, charities, social enterprises, cooperatives and mutual societies of all sizes*

4 Partner *An organisation that works together with another or others to achieve shared aims*

5 Stakeholder *An organisation or individual that is affected by and/or can influence a decision or action*

5 Shared values for working together

5.1 Organisations acknowledge that the following are paramount to constructive working together:

- 5.1.1 Empathy: Understanding and respecting the different roles and responsibilities of stakeholders or partners.
 - 5.1.2 Diversity: Including all relevant stakeholders and partners and managing differences.
 - 5.1.3 Equity: Making working together accessible and fair – sharing decisions, risks and responsibilities proportionately.
 - 5.1.4 Accountability: Acting as agreed, or explaining why not.
 - 5.1.5 Transparency: Committing to openness, honesty and timeliness.
 - 5.1.6 Consistency: Recognising that standard practices and procedures make working together simpler.
- 5.2 Recognition of and respect for the multiple roles of third sector organisations.
- 5.3 Acceptance that mature working relationships accommodate differences. When stakeholders or partners feel safe to explore differences, a willingness to negotiate, achieve consensus and to compromise is fostered.

6 Undertakings

6.1 All organisations will:

- 6.1.1 Aim to give communities and individuals power, influence and responsibility over policy or practice.
- 6.1.2 Effectively evaluate performance.
- 6.1.3 Actively manage risk (risk will be proportionate and fair having regard to partners size and resources).
- 6.1.4 Avoid unnecessary duplication or unsuitable adoption of roles
- 6.1.5 Avoid fostering unrealistic or unfair expectations of other stakeholders or partners.

7 Commitments

7.1 Public sector organisations will:

- 7.1.1 Recognise and support the independence of the third sector to determine and manage its own affairs. This includes its right within the law to campaign, to comment on and to challenge public policy. This should not affect any funding relationship that might exist.
- 7.1.2 Welcome constructive counter views or challenges.
- 7.1.3 Recognise the multiple roles of the third sector.
- 7.1.4 Inform, consult and involve third sector organisations on issues that are likely to affect them and those they represent.
- 7.1.5 Invest strategically in the third sector's capacity to engage as stakeholders or partners.
- 7.1.6 Consider the specific needs, interests and contributions of those parts of the third sector which represent minority groups.
- 7.1.7 Work with third sector infrastructure organisations to inform, consult, and arrange representation.
- 7.1.8 Respect the third sector's responsibility to be self-regulating.
- 7.1.9 Challenge third sector organisations where appropriate and hold them to account.

7.2 Third sector organisations will:

- 7.2.1 Assume they are partners and/or stakeholders.
- 7.2.2 Respect the constraints faced by the public sector and the need to prioritise resources.
- 7.2.3 Acknowledge the strategic leadership role of public sector organisations.
- 7.2.4 Where appropriate, challenge public policy and decisions, campaign for better services and hold public bodies to account.
- 7.2.5 Respond to the needs and aspirations of individuals and communities, represent and/or support people to act.
- 7.2.6 Consider including the full cost of engaging in consultations and partnership processes in their budgets.
- 7.2.7 Use relevant infrastructure organisations to disseminate information and organise representation.
- 7.2.8 Give early notice of changes that are likely to affect fitness, performance and viability.

8 Understanding working together – levels of participation

- 8.1 The involvement of stakeholders and partners will vary depending on relevance.
- 8.2 Those starting or leading a process may need to negotiate the level of participation required of stakeholders or partners.
- 8.3 The levels of participation are: informing, consulting and partnership.
 - 8.3.1 Level one: Informing. The lead organisation provides information with no need for stakeholders or partners to respond as a decision has already been taken.
 - 8.3.2 Level two: Consulting. The lead body provides information and requests a response, as decisions have yet to be taken. This may be draft policies, plans, proposals or strategies that require input from stakeholders or partners. Decisions would not be made by respondents, but they should be notified of the impact of their response on the decision.
 - 8.3.3 Level three: Partnership. Deciding and acting together. Partnership requires partners to share aims, decisions and responsibilities and allocate risks proportionately through agreement.

9 Level one: standards for informing

9.1 Principles

- 9.1.1 Communicating well takes time and resources. All organisations are committed to sharing relevant, up to date information.
- 9.1.2 Organisations should have an adequately resourced communications strategy which should be written into service standards.

9.2 Standards

- 9.2.1 Stakeholders or partners will conform to data protection standards.
- 9.2.2 Information should be communicated at least four weeks before required action.
- 9.2.3 Information should be available in a variety of formats as required.
- 9.2.4 Jargon should be avoided or explained.
- 9.2.5 Confidential or embargoed information should be clearly indicated with instructions to organisations as to whether, when and to whom information can be passed.
- 9.2.6 Public sector organisations should use the most appropriate infrastructure⁶ organisation(s) for those it wishes to inform.

⁶ Infrastructure *The physical facilities, structures, systems, relationships, people, knowledge and skills that exist to support, develop, co-ordinate, represent and promote front-line organisations to help them to deliver their aims more effectively. Organisations that make up volunteering infrastructure include volunteer centres. (National Code of Volunteering)*

10 Level two: standards for consulting

10.1 Principles

- 10.1.1 Consultation enables a wide range of experience and knowledge to inform and achieve better outcomes.
- 10.1.2 Consulting demonstrates a commitment to openness, accountability, influence or challenge from others.
- 10.1.3 Partners and stakeholders should be consulted at an early stage on issues that are likely to affect them or their users.
- 10.1.4 Consultations should be clear and in proportion to the issue.
- 10.1.5 Public sector organisations will invest in the capacity of the third sector to participate in consultation.
- 10.1.6 Third sector partners should ensure they have the resources to participate in consultation.

10.2 Standards

- 10.2.1 A deadline of no less than twelve weeks for policies and plans should be clearly stated. It is recognised that some exceptions may occur and a shorter period applied by agreement.
- 10.2.2 A variety of ways to respond should be available (e.g. written documents, audio recordings, meetings, focus groups, surveys, websites) .
- 10.2.3 Jargon should be avoided or explained, e.g. in a glossary.
- 10.2.4 Public sector organisations should use the most appropriate infrastructure organisation(s) for those they wish to inform.
- 10.2.5 Respondents should be able to comment anonymously if they wish.
- 10.2.6 Petitions must be taken into account.
- 10.2.7 All responses to consultations should be acknowledged unless it was stated at the start of the consultation exercise that they would not be.
- 10.2.8 The results of all consultation exercises should be carefully analysed. Appraisal should attach similar weight to responses from larger or smaller organisations.
- 10.2.8 Once a decision has been made, respondents should be formally notified including how or if the result was affected by the consultation.

11 Level three: standards for partnership

11.1 Principles.

- 11.1.1 Partnership working with the third sector will be the rule not the exception.
- 11.1.2 Partners will work positively to achieve desired results and avoid unfair or unrealistic expectations.
- 11.1.3 Public sector organisations will invest strategically in the capacity of third sector organisations to engage as partners.
- 11.1.4 Third sector partners should ensure they can recover their full costs for partnership work.
- 11.1.5 Third sector organisations will work together to add value and be inclusive.

11.2 Standards for deciding.

- 11.2.1 Partners should receive a minimum of four weeks notice of meetings. This allows time to prepare, lobby, brief other organisations, and elect a representative.
- 11.2.2 Public sector organisations should approach relevant infrastructure organisations to arrange third sector representation where required.
- 11.2.3 Dates of meetings for groups should be stated in advance for the calendar or financial year.
- 11.2.4 Where a group is set up, terms of reference should be agreed to include:
 - The aim and tasks of the group.
 - Clarity over what authority a group has - will make decisions, advise or comment - and will this be by consensus or majority vote.
 - If it makes decisions, are these final or could they be overturned elsewhere?
 - The level of participation and role of each member i.e. decision making or advising, voting or non voting.
 - The quorum for decision making.
- 11.2.5 Partners should receive all relevant information in advance; tabled information should be avoided where possible.
- 11.2.6 Conflicts of interest must be declared and recorded.
- 11.2.7 Collective responsibility should be assumed by those who have taken a decision.
- 11.2.8 Objections to decisions must be noted in minutes of meetings with explanation of how differences are represented outside the meeting.
- 11.2.9 Decisions should only be taken, or consensus reached, using other methods (e.g. emails, video-conferencing etc.) when all partners have access to these.

11.3 Standards for acting

- 11.3.1 Ideally four weeks, but at least one, should be allowed for a partner to act from the date of receiving a notice or request to do so except in an emergency.
- 11.3.2 Partners will ensure that risks are actively managed and fairly apportioned.
- 11.3.3 Partners must not place another partner at risk by withholding information which the other needs to know.

12 Confidentiality

- 12.1 Organisations will only pass on information about another organisation with their consent unless there is a legal requirement to do so.
- 12.2 Partners will take collective responsibility.
- 12.3 Confidential or embargoed information must be respected and not disclosed.
- 12.3 Public sector organisations are obliged under the Freedom of Information Act to provide certain information on request. Third sector organisations should cooperate, where appropriate, to enable compliance. Third sector organisations must be given the opportunity to comment on what material about them should be disclosed
- 12.4 All sectors will respect information which is commercial sensitive.

13 Breach and mediation

- 13.1 If an organisation considers that the values, undertakings or standards in this Code have not been followed it should:
 - 13.1.1 Identify where the Code has not been followed and by which organisation
 - 13.1.2 Decide whether to take it further and identify their objective(s) in doing so
 - 13.1.3 Raise directly with the other organisation in the first instance and offer constructive suggestions as to how things can improve
 - 13.1.4 Then if not resolved, refer to the Local Compact Working Group which will be responsible for ensuring the complaint is considered on its merits and where necessary, seek to improve working practice
 - 13.1.5 If it cannot be resolved locally, then as a last resort refer to The Commission for the Compact
- 13.2 Any complaint made to an organisation should be in writing. On receiving a complaint the organisation should investigate and reply in writing.

14 Review

- 14.1 The Code will be reviewed after one year, i.e. June 2010.

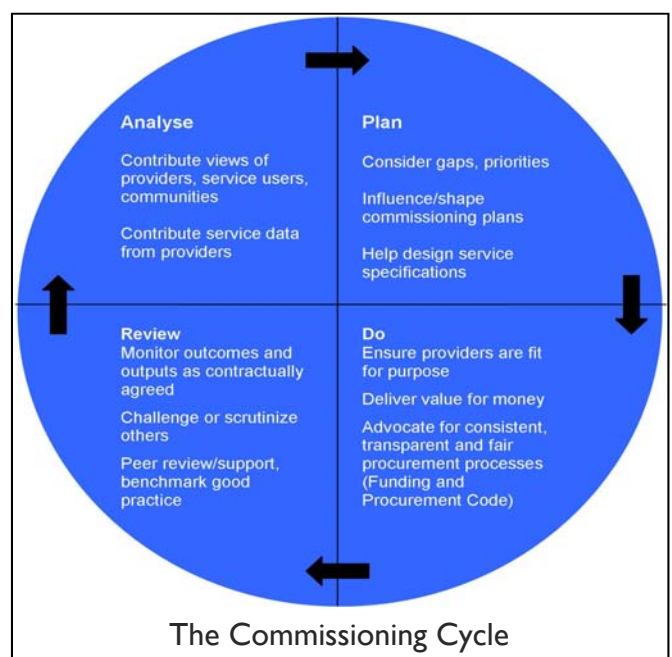
Commissioning

- 1 The Commission for the Compact has produced the national 'Commissioning Guidance, 2009' that 'identifies relevant Compact principles and demonstrates where and how they can be applied in commissioning ... Commissioners are seeking to collaborate in the design of services to achieve the best outcomes and benefits for service users'. This has created a broader role for third sector organisations, acting as service providers and also as vehicles for reflecting the needs of service users'.
- 2 Commissioning is the process of specifying, securing and monitoring services to meet people's needs. There are four stages:
 - Analysing: mapping and forecasting supply and demand to meet current and evolving need, identifying resources, assessing risks, configuring local needs with national drivers, using local statistics/demographic trends
 - Planning: getting agreement on what needs to be achieved, clear definitions for outcomes and priorities, being imaginative about how services can be delivered, allocating resources and bringing all this together into a commissioning plan
 - Doing: applying resources effectively to deliver agreed services; managing the process of procurement, disinvesting to commission new or remodelled services, maintaining communications with users and providers
 - Reviewing: monitoring and evaluating effectiveness to adapt services to meet changing needs.
- 3 Public sector organisations should therefore:
 - Consider implementing the Commissioning Guidance, 2009.
 - Increase their understanding of the needs of users and communities by ensuring they engage with third sector organisations to access their specialist knowledge. This includes making decisions about future service requirements (e.g. at needs analysis group meetings)
 - Seek to agree commissioning plans & service specifications with third & private sectors
 - Ensure standards are in place for providers and potential providers to demonstrate their

financial and technical capability for public service delivery. This includes a commitment to equality and diversity, to the environment and to safe systems of recruitment & working

Understand the benefits of services and the performance of service providers by engaging with individuals, communities & organisations that have a campaigning, advocacy or representative role.

- 4 Third sector organisations should:
 - Consider implementing the Commissioning Guidance, 2009.
 - Contribute to public services – 'both in the way they are designed & delivered and in the ways they are improved & held to account'
 - Contribute to each aspect of the commissioning cycle. (See diag. below).
- 5 The third sector role includes: campaigning, advocating, representing, scrutinising, sharing ideas and information, making decisions, delivering services, monitoring
- 6 Competencies required of third sector representatives in analysing, planning and reviewing include: good communication, assertiveness, well networked, ability to think strategically (beyond individual, or own organisation's interests).



Strategic Planning, Direction and Development

- 1 The establishment of good strategic planning, direction and development is a key building block in the development of services for the needs of local communities.
- 2 Key elements of participation in planning and development include:

Training:

Building competencies within the sector to work efficiently and consistently and deliver effective services.

Communication:

Communication lines should be in place to enable information to reach all who require it effectively and in good time.

Networking:

Individuals need to talk to each other within and between organisations and sectors to create understanding and co-operation across the network.

Information:

Relevant information should be provided to the third sector, particularly on big issues which affect the operations of third sector organisations.

- 3 Strategic planning, direction and development is about establishing the framework that organisations need for sectors to work effectively and efficiently with partners.

The third sector is made up of a diverse group of organisations and groups that have significantly different needs, objectives, and focus. Strategic Direction is about setting generic objectives around capability and performance.

Strategic Planning similarly has a wide focus. Its main purpose is to establish a framework by which the third sector can achieve focused

representation, commissioning opportunities, better communication, and effective partnerships.

In this context, strategic development is primarily about establishing quality skills and systems within the third sector and enabling third sector competencies to be achieved.

It also has a role in enabling co-operation and partnership, to achieve better outcomes at both strategic and operational levels with partners.

Representing Sectors⁸

1 What is representation?

- 1.1 Representation is to speak or act for another, e.g. own/host organisation, other organisations and/or service users or particular communities

2 Why is representation required?

- 2.1 Public sector organisations will often seek wider support or challenge from stakeholders and partners to ensure their plans or services are informed by a range of perspectives with the aim of achieving better outcomes for individuals or communities
- 2.2 A well organised sector can offer representatives with an authoritative voice, using their experience and knowledge to design and deliver more effective services

3 How is representation achieved?

- 3.1 Representatives should seek to assert and preserve their independence from public bodies (bearing in mind 10.3), but be pragmatic about building respectful relationships in order to be constructive and effective
- 3.2 Representatives should clarify who they are representing when responding to consultations or speaking at meetings⁹
- 3.3 Public sector organisations should clarify whose interests they require representation for, e.g. a particular organisation or service and/or a wider constituency¹⁰
- 3.4 Where wider representation (i.e. beyond the interests of one organisation) is required public bodies should approach the relevant

infrastructure organisation in the first instance

- 3.5 Subject to capacity and notice periods, infrastructure organisations will:
- Identify the experience and competencies required of the representative
 - Select a representative and ensure they understand their role (i.e. to primarily represent wider interests not their own or their organisation's)
 - Have a role description for representatives and a policy on representation
 - Support the flow of information from the wider constituency to representatives and vice-versa
 - Facilitate support/awareness sessions with representatives to enable reflection, learning and continuous improvement.
- 3.6 Representatives, with the help of infrastructure organisations where required, should ensure the wider dissemination of information across sectors.

⁸ This section is based on CLG, 2007, *Principles of representation: A framework for effective third sector participation in Local Strategic Partnerships*

⁹ This may be noted in a group's Terms of Reference (see 9.1.4).

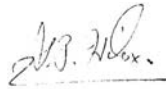
¹⁰ This could also be noted in a group's Terms of Reference

Signatories to the Herefordshire Compact are:



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This document has been published by the Herefordshire Partnership Local Compact Working Group.

If you would like further information about the Herefordshire Compact, please contact the Voluntary Sector Liaison Officer at Herefordshire Council Community Regeneration Team on 01432 383038 or email compact@herefordshire.gov.uk