

DRAFT

EAST LONDON SOLUTIONS
MEMORANDUM OF UNDERSTANDING

Statement of Intent

As leaders of six East London Boroughs, we recognise the scale of the challenge we face from cuts in funding to local government.

Our first priority must be to protect as many of our residents' cherished services as we can, while continuing to provide our taxpayers with the best possible value for money.

All councils share common services and common support functions. They may operate in different ways to meet different local needs, but the machinery of one council does not differ significantly from that of its neighbour.

As east London leaders, we should endeavour wherever possible to find shared solutions to the financial challenges that we all face.

Where we can share the machinery of local government, to reduce our running costs and help protect frontline services, we will do so.

Where we can bring together the management of our organisations to streamline the way we work, we will do so.

And where we can work together to develop new and innovative ways to deliver local services, while still meeting the unique needs of our own local communities, we will do so.

The priorities of our boroughs may differ, but we all share a commitment to providing best value and promoting the interests of local residents ahead of the interests of bureaucracy and fixed borough borders.

This undertaking will help define a new consensus across our six boroughs, under which we can act together in the best interests of all east London taxpayers and every east London community.

Scope

This memorandum of understanding concerns the relationship between the following partners, co-operating under the designation of East London Solutions.

London Borough of Barking & Dagenham
London Borough of Newham
London Borough of Havering
London Borough of Waltham Forest
London Borough of Tower Hamlets

London Borough of Redbridge

It sets out underpinning principles, roles/responsibilities and accountabilities, and is intended to act as a point of reference for all members of the partnership.

As ELS is not a separate entity, the London Borough of Barking & Dagenham has agreed to act as the lead borough for financial and staffing matters in relation to ELS. Specific projects involving some or all of the partners which involve on-going contractual relations with each other and/or external providers will be the subject of separate governance agreements.

Purpose and principles

- The common purpose underlying the activities of ELS is to identify joint areas of work that will deliver improved value for money services, improved outcomes or better support the long term quality of service delivery for the residents of the partner bodies;
- Participation in any project is subject to approval from each relevant body;
- ELS will take collective responsibility for driving forward collaboration and shared services, seeking out opportunities both service improvement and cash savings;
- ELS will ensure that the aims and activities of ELS are consistent with, and complement, those of the partners;
- ELS will monitor its performance by a process of self-evaluation and external review to ensure that it is operating in an optimal way. Internal self evaluation against outcomes will be integral to the partnership working principles.

Overall vision

Deliver and commission shared and collaborative services and products to facilitate improvement, efficiency and innovation.

Core Values

- Challenge the status quo
- Seek innovative solutions to improve service delivery
- Be open to challenge from peers, regional and national bodies
- Be open to utilising best, and “next/future practice” approaches to procurement
- Be pragmatic
- Be partnership oriented
- Accountability - achieved through delivery of agreed outcomes within a sound governance framework
- Be open in sharing information and best practice

Objectives

- Communicating activity that is taking place.
- Co-ordinating activity that is taking place at strategic level.
- Ensuring opportunities to maximise shared service concepts are considered.
- Facilitating the taking forward of shared services.
- Promoting and brokering networking and collaboration between the participating councils
- To act as a vehicle for bidding and accessing funding to develop shared services

Outcomes

- Re-shaped services that better meet customer needs
- Deliver greater efficiencies and savings to release funding for priority areas
- Make better use of capacity and skills
- Increased collaboration in east London
- Improve the ability and capability to deliver services in partnership

ELS and Partner general responsibilities

General Responsibilities

- ELS and the partners will abide by the aforementioned values.
- ELS and the partners will keep each other up to date on all activities which impact on the delivery of the ELS Delivery Plan.

General responsibilities of ELS

- To develop and maintain a delivery plan that delivers the vision and objectives of ELS.
- To coordinate or achieve activities as agreed. The relevant outcomes and targets will be met from a combination of direct activity, project working and commissioning. This may be achieved through individual members or collectively, or by brokering services from other public or private sector providers.
- To maintain effective financial management of funding delegated to the ELS.

- To comply with all applicable legislation; pay proper regard to the statutory duties of the Local Authority and pay proper regard to relevant legislation, formal guidance, codes of practice, and national policies.
- ELS will be responsible for communicating and promoting its work as well as ensuring it is properly co-coordinated and integrated with other activities.
- ELS will be responsible for ensuring that the Partner authorities are kept informed of specific matters relating to their authority.
- ELS will be responsible for ensuring pragmatic solutions and approaches are adopted and to actively seek solutions to issues that arise in achieving of the delivery plan.

General responsibilities of the Partners

- Each local authority will support ELS in the performance of its responsibilities and achievement of the stated vision, outcomes and objectives.
- Each local authority will use its position to encourage the co-operation of all the partner councils within the ELS and address issues within its own organisation where these are creating problems.
- The partners will provide to the ELS any data it holds which is reasonably required by the ELS for the performance of its responsibilities. This work will develop a partnership approach to needs assessment and intelligence gathering. Each partner remains the data controller of and is legally responsible for the personal data it holds¹.
- Each local authority will inform ELS about forthcoming procurement activity and will undertake this in a way to enable other authorities to join.
- Where needed, the partners will aim to provide appropriate advice, guidance, financial and physical resources (e.g. accommodation) to help ELS achieve its visions and objectives.
- Where a partner authority is a lead, that authority will be fully committed to delivery.
- The partners will retain responsibility for their statutory duties.

¹ Specific legal advice is as follows;

ELS would be processing data on behalf of the partners. Each Partner can agree to share that data within the ELS group under a clear agreement that:

- The data is shared for use for the agreed purposes only.
- The persons whose data is being shared with other Partners & ELS are informed of that fact and the purposes for sharing it. This is the Fair Processing Notice requirement which should be given to all these affected.

There should be an indemnity provision between the Partners for any misuse of data by others under the agreement. The Information Commissioner has powers to impose penalties for breaches of the Data Protection Act 1998.

Freedom of Information Act 2000 - A Partner will be under the general duty to release information collected by other Partners (subject to the usual exemptions).

- The partners will not have any responsibilities in respect of the day-to-day operational issues, inputs and processes of the ELS.

Management and Accountability

Management

- The ELS management group comprises:
 - A nominated Chief Executive
 - A Director / Head of service nominated from each partner body
 - ELS representative
 - Advisory members as necessary
- The management group is responsible for agreeing and monitoring the overall delivery plan and outcomes. This will include priorities, the allocation of available funds and applications for other funding.
- The ELS Co-ordinator will facilitate partnership working and to manage the day to day affairs of the ELS in order to deliver the overall delivery plan. This Co-ordinator will have delegated authority to manage the shared partnership fund and to recruit/ procure additional support via the appropriate lead authority as required by the agreed delivery plan.
- The management group will report to the East London Leaders and Chief Executive's group quarterly.
- Authorities leading aspects of the delivery plan are empowered by the partners to make decisions in order to progress activities subject to not making a financial or legal commitment on behalf of partners unless agreed in writing.

Performance management, monitoring and evaluation

- The success of ELS will be based on the achievement of outcomes.
- The management group of ELS will have responsibility for monitoring and reviewing the performance of ELS.
- ELS will undertake a process of self evaluation and a full annual review in December each year.
- The management group of ELS will report to the Leaders and Chief Executives on performance.
- Each member of ELS accepts that the achievement of outcomes is the responsibility of ELS partners collectively. Each member accepts to make every reasonable effort towards the achievement of these outcomes.
- If matters are failing to be achieved rectification processes will be instituted.
- ELS will be subject to audit in accordance with partner's proper practices and will maintain this framework of governance and accountability.

Rectification processes

The ELS Co-ordinator will escalate to the nominated Chief Executive issues that have been unable to be resolved by negotiation with the relevant Council within a reasonable time.

If any individual member of ELS is judged by all of the other members of ELS to be failing to work in accordance with the principles laid out in this agreement, and/or to be failing to contribute appropriately to the achievement of the outcomes set and/or the completion of the delivery plan, ELS will advise the management group who after consideration and discussion can take one or more of the following actions:

- Withdraw the right to attend partnership meetings
- Withdraw access to facilities shared across the partnership

If ELS as a whole is judged not to be achieving the outcomes set out the management group will consider changes to its method of operation and ultimately its future.

Funding

The boroughs each provide core funding of £20k. This funds the programme office. Additional contributions are agreed for specific pieces of work. The London Borough of Barking & Dagenham will manage funding and payments. Funding for specific projects will be agreed as and when necessary.

Status

This arrangement is not a partnership as defined in the Partnership Act 1890 and there is no intention to create such a partnership under this MoU.

Organisation	Capacity	Name	Signature
L.B. Barking and Dagenham		Leader Cllr. Liam Smith	
L.B. Havering	Leader	Cllr. Michael White	
L.B. Newham	Mayor	Sir Robin Wales	
L.B. Redbridge		Leader Cllr. Keith Prince	
L.B. Tower Hamlets	Mayor	Mayor Lutfur Rahman	
L.B. Waltham Forest	Leader	Cllr. Chris Robbins	

September 2011