

# **PERTH AND KINROSS COUNCIL**

## **Strategic Policy & Resources Committee**

**28 November 2018**

### **JOINT WORKING AGREEMENTS**

**Report by Corporate Human Resources Manager (Report No. 18/390)**

#### **PURPOSE OF REPORT**

This report seeks approval of :

- A. A set of principles to be followed when entering into, managing, monitoring and reviewing partnership arrangements with other organisations and bodies.
- B. A 12 month pilot of the Joint Working Agreement to facilitate joint posts and working across the Perth & Kinross Health & Social Care Partnership (the Partnership). The agreement applies to all employees engaging in work in the Partnership employed by the Council and/or NHS Tayside (the Partners). The agreement will ensure formal governance arrangements are in place to protect the Council and its employees. It also ensures that we continue to promote fair, consistent and equitable treatment of employees.

#### **1. BACKGROUND**

##### **A. Principles to be followed when entering into, managing, monitoring and reviewing partnership arrangements**

- 1.1 It is recognised that the rapidly changing economic landscape makes it essential for public sector organisations to work together and with private, voluntary and community sector bodies. The Council also recognises the importance of ensuring that its partnerships serve a useful public purpose, are effective in achieving the Council's aims and provide best value. The Council itself is transforming and the expectations in the future to deliver services on a collaborative or partnership basis are increasing. The Council therefore needs to ensure that we are prepared for any new partnering or joint working arrangement. Any such arrangement must also provide robust governance, whilst ensuring fair, consistent and equitable treatment of our employees.
- 1.2 Partnerships can cover a wide range of joint working arrangements from simple agreements to co-ordinated activities to more complex arrangements such as the Perth & Kinross Health & Social Care Partnership, which delivers services over a wide area. Although arrangements for partnership working require to be adapted to specific partnership purposes there are recognised principles that can be applied when entering into, managing, monitoring and reviewing partnership arrangements to ensure that partnerships are financially accountable and that money is spent efficiently to achieve the intended outcomes. As such this report sets out principles that can be used to

for the formation and development of effective Partnership working to be applied in future.

## **B. Joint Working Agreement – Perth & Kinross Health & Social Care Partnership**

- 1.3 The Scottish Government's Public Bodies (Joint Working) Act (Scotland) 2014 sets out the arrangements for the integration of health and social care across Scotland. In April 2016 the Perth and Kinross Health and Social Care Partnership (the Partnership) was formalised with the Integration Joint Board (IJB) and other structures moving towards integrated governance arrangements. The IJB is responsible for the operational oversight of the Partnership and staff who work within the management of the Health & Social Care Partnership continue to be employed by either NHS Tayside (NHST) or the Council (the Partners), retaining their respective terms and conditions.
- 1.4 We continue to work collaboratively with HR Colleagues in Angus Council, Dundee City Council and NHST to consider frameworks that support an environment which enables the Partnership to flourish. This HR Group has met with the staff side of NHST and trade unions in each Council to consider frameworks and principles which support effective joint working. We have common aims of promoting consistency, fairness and equity to partnership employees, as far as reasonably practical, given that employees continue to be managed in accordance with the existing management policies and procedures of their employing organisation. The HR Group is not a decision-making body but make recommendations for each respective employer to consider. As a result of these discussions two protocols agreed with NHST, their staff side and the unions of the Council were approved at the Strategic Policy & Resources Committee on 15 June 2016 (Report No. 16/271) to manage cross-employer issues i.e. Fairness at Work and Workforce Change.
- 1.5 The pace and extent of transformation and change within the Partnership and across both the Council and NHST has continued to evolve as the Partnership has matured. To ensure that the Council has robust formal governance arrangements in place to support fair, consistent and equitable treatment of our employees it is considered appropriate to have a Joint Working Agreement to enable joint working roles and structures to be strengthened.

## **2. PROPOSALS**

### **A. Principles to be followed when entering into, managing, monitoring and reviewing partnership arrangements**

- 2.1 It is proposed that when entering into partnerships, better alignment of services with the needs of the community and more efficient use of resources can be achieved by consistently following the principles set out below and that the Committee agrees to these principles being applied when entering into, managing, monitoring and reviewing partnership arrangements in the future.

## 2.2 These principles include:

- 1) Entering into partnership arrangements with other organisations and bodies where the following conditions are satisfied:
  - a. There is a clear purpose for the partnership that will contribute to fulfilling the Council's statutory duties and/or meeting its policy objectives.
  - b. this purpose cannot be achieved as effectively by the Council acting alone or by some other method;
  - c. the partnership will benefit the Council through providing resilience to its services, efficiency in the use of the Council's resources, potential savings and /or income to the Council in delivering services in a more efficient and joined-up way.
  - d. A proper analysis has been undertaken of how the partnership will enable the results to be achieved.
- 2) Taking a consistent approach when managing, monitoring and reviewing partnership agreements by ensuring that partnerships have:
  - a. clear purpose and focus
  - b. well defined roles and responsibilities
  - c. effective performance management
  - d. sound risk management e.g. financial etc.
  - e. commitment to learning and development
  - f. effective communications
  - g. regular review

## 2.3 These principles will be further developed into a template that can be used by any new partnership arrangements. The template will have a suite of options that should be considered by those considering any new partnership arrangement. Further work is being undertaken by representatives in each Service and key members of Finance, IT, HR and Information Compliance to ensure that the template sets out what the suite of options will be. If the Partnership is created then it is proposed that the Chief Executive will have delegated authority to approve the relevant partnership working arrangement details. This will include but not be restricted to recording and updating the financial regulations to incorporate the delegated authority levels if appropriate and any new scheme of delegation for HR policies and procedures.

## **B. Joint Working Agreement – Perth & Kinross Health & Social Care Partnership**

## 2.4 The Joint Working Agreement, attached at Appendix 1, will enable staff from either the Council or NHST to line manage staff from the other Partner organisation. It is proposed that this arrangement is piloted in the Perth & Kinross Partnership for a minimum period of 12 months. This will enable the Partnership to review the effectiveness and for this to be considered for wider implementation across the other 2 Partnerships with NHST in Tayside i.e.

Angus and Dundee. The pilot will commence on a mutually agreed date to allow NHST and the Council to finalise the approval process of the Joint Working Agreement.

- 2.5 The joint working agreement will create the conditions to enable managers to act on behalf of the employing organisation applying the relevant employer's policies and procedures. This means that the employee will still be employed on the terms and conditions applicable within their employing organisation and in accordance with their contract of employment. However their manager may be employed by a different employer and they will be given the authority to issue reasonable instructions, direct staff and take on the role as if they were with the same employer as the employee. The relevant delegated authority for HR procedures is set out in the Scheme of Delegation at Appendix 2.
- 2.6 The managers will have access to, and will be familiar with, the relevant policies and procedures and will act upon advice from the relevant HR advisers, occupational health and any other specialist adviser from the employing organisation.
- 2.7 The Partners will work together to ensure that managers within both organisations have the necessary knowledge, support, training and authority to undertake their duties in relation to employees in the Partnership. Clear arrangements will be established to clarify expectations, content and mechanisms for supervision and development discussions/reviews prior to joint working commencing.
- 2.8 The managers will be able to take both informal and formal action (up to action short of dismissal) in relation to sickness, performance, disciplinary, grievance of either Partner employees managed by them. The Partner employer will be notified of any proposed action prior to action being taken. Any dismissals will be conducted by a manager of the employing Partner. All appeals against dismissal will be conducted in accordance with the existing employing organisations procedures.
- 2.9 Employee information pertaining to the individual's employment will be shared with the manager from the Partner organisation, when appropriate, to enable them to fully undertake their role as line manager.
- 2.10 Employees working in a joint team may also have access to the IT system of a partner organisation and will also be expected to act in accordance with the data protection and IT governance rules and administration processes of the partner organisation, which is not their employer. This will be highlighted to relevant employees by their line manager and contained in the letter to be sent to all employees aligned to the Health & Social Care Partnership. This will be in addition to adhering to their own employer's confidentiality provisions and the Council's policies and practices in relation to confidentiality.
- 2.11 The Partners will work together to respond to any Freedom of Information request regarding the joint service.

- 2.12 A letter will be sent to all employees of Perth & Kinross Council who are aligned to the Partnership advising them of the provisions for either managing or being managed by an individual who is not employed by the same employer as them. This will direct them to the terms of the Joint Working Agreement and will seek their consent to the data being shared with the other Partner. A similar letter has been arranged for all NHST employees aligned to Perth & Kinross Health & Social Care Partnership.

### **3 CONSULTATION**

#### **A. Principles to be followed when entering into managing, monitoring and reviewing partnership arrangements**

- 3.1 Consultation has taken place with a senior representative of each Service, Head of Finance, Head of Legal & Governance, Head of IT and the Council's Information Compliance Manager. The principles have been developed as a result of these discussions. In addition further more detailed information will be developed to create a suite of options for inclusion in any new arrangements and a template for any future Partnership discussions will be prepared for future use.

#### **B. Joint Working Agreement – Perth & Kinross Health & Social Care Partnership**

- 3.2 The draft Agreement has been developed nationally with input from Scottish Government, NHS and local authorities, professional bodies such as SOLAR and SPDS, and trade unions. Originally it was intended to have this framework agreed nationally and to mandate it across all partnerships. However, not every partnership wanted this as they had taken a different route e.g. the issue of honorary contracts; or simply carried on with integration without anything specific on these issues. The draft agreement was issued for consultation in the summer of 2017 and was therefore intended to be guidance and adoption would be determined locally. However the guidance has not been issued formally by the national group.
- 3.3 Local representatives were given a mandate from their respective national executive branch in February 2018 to discuss the content of the national guidance locally across Tayside. There have been a number of meetings with the Trade Unions of the three Councils (Angus, Dundee and Perth & Kinross) and staff side of NHST to consult them on the principles contained in the draft Agreement. They are keen to ensure fair and equitable treatment of all employees. They welcome the formal governance arrangements because they recognise the protection it gives their members. The draft has also been discussed at the Council's Employee Joint Consultative Committee (EJCC) and the Perth & Kinross Health & Social Care Partnership Staff Forum. The feedback has been that they welcome the pilot in Perth & Kinross Health & Social Care Partnership.
- 3.4 A representative of each Service has been consulted on the draft and have agreed with the content and principles set out in both this report and

appendices 1 and 2. The three Council Chief Executives from Angus, Dundee and Perth & Kinross Council were also in agreement to a 12-month pilot of the joint working arrangements set out to be undertaken in the Perth & Kinross Partnership.

#### **4 CONCLUSION AND RECOMMENDATIONS**

- 4.1 When entering into partnerships, better alignment of services with the needs of the community and more efficient use of resources can be achieved by consistently following the recognised principles for effective and successful partnership working outlined in this report.
- 4.2 The principles and development of a suite of options for use by any new Partnerships will allow the Council to future proof and facilitate further joint working arrangements.
- 4.3 The template Joint Working Agreement will provide the principles to be fully considered and discussed between the Partners to ensure robust governance, clarity of expectation and fair and consistent treatment of employees.
- 4.4 The Health & Social Care Partnership Joint Working Agreement is a key policy framework for enabling joint working to be introduced for employment matters.
- 4.5 The Health & Social Care Partnership Joint Working Agreement will protect employees operating in the Partnership providing them with the appropriate delegated authority to act on behalf of each Partner employer setting out clear governance arrangements.
- 4.6 **It is recommended that the Strategic Policy & Resources Committee:**
  - Approve the principles to be followed when entering into, managing, monitoring and reviewing partnership arrangements.
  - Delegate authority to the Chief Executive for approving the details set out in all such other joint working or collaborative partnership arrangements that may be formed with Perth & Kinross Council.
  - Approve a 12 month pilot of the Health & Social Care Partnership Joint Working Agreement. The effective commencement date will be when both NHST and the Council have received formal authority of the documents and pilot.
  - Approve the relevant delegated authority for HR procedures as set out in the Scheme of Delegation
  - Direct the Chief Executive to approve any amendments or final introduction and/or cessation of the Health & Social Care Partnership Joint Working Agreement at the end of the 12-month pilot period.

**Author**

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**Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Jim Valentine	Depute Chief Executive (Chief Operating Officer)	15 November 2018

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>None</b>
Workforce	<b>Yes</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>Yes</b>
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>None</b>
Risk	<b>Yes</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>Yes</b>
<b>Communication</b>	
Communications Plan	<b>Yes</b>

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The report supports the overall delivery of the Perth and Kinross Community Plan / Single Outcome Agreement in terms of ensuring staff support the following priorities:

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

#### Corporate Plan

- 1.2 It is considered that the proposals contained within this report contribute to all five objectives.

### 2. Resource Implications

#### Financial

- 2.1 There are no financial implications arising directly from this report.



## Workforce

- 2.2 The implications to the Council workforce of implementing a Joint Working Agreement for both those existing employees aligned to the Health & Social Care Partnership and to any other employees where joint working arrangements are introduced are:
- There will be formal governance arrangements in place to protect employees undertaking Partnership work activities.
  - It will allow genuine integration and efficiencies to occur and seamless line management from both Partners of any joint teams.
  - It gives clarity of the expectations of each of the Partners pertaining to employment matters.
  - It creates a culture of fair, consistent and equitable treatment within the Partnership.
  - It enables employees to adopt new roles and new ways of working.
- 2.3 This helps protect and sustain employability across Perth and Kinross and creates the conditions for collaborative and joint working to operate effectively.

## Asset Management (land, property, IT)

- 2.4 There are no land, IT or property implications arising from this report.

## **3. Assessments**

### **Equality Impact Assessment**

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Equality & Fairness Impact Assessment undertaken in relation to this report can be viewed clicking [here](#).
- 3.2 The Joint Working Agreement has been assessed as **relevant** as it impacts on the line management arrangements for Perth & Kinross and NHS Tayside employees working within the Perth & Kinross Health & Social Care Partnership. During the pilot period, employees of both partners will continue to be employed under their existing terms and conditions of employment.
- 3.3 The Equality Act (2010), the Public Sector Equality Duty and the Fairer Scotland Duty apply to both partners. Governance arrangements are being introduced to;
- Ensure fairness and consistency is applied
  - Provide clarity about delegated authority, for example, a NHS Tayside managers is not permitted to issue a sanction that results in the dismissal of a PKC employee

- Ensure managers in the partnership are supported where they are responsible for employees from the partner organisation
- 3.4 As a result of the above, the outcome of the assessment is that there will be no detrimental impact on employees.

#### Strategic Environmental Assessment

- 3.5 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. No further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

#### Sustainability

- 3.6 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate. The proposals contained in this report are assessed to have no sustainability related impacts.

#### Legal and Governance

- 3.7 The Head of Legal and Governance Services has been consulted in the preparation of this report.

#### Risk

- 3.8 The principles for joint working arrangement will ensure that financial and other risks are fully explored when creating the new joint working arrangements. The practices set out within this report are designed to ensure that the Council is resourced with a skilled workforce to enable it to modernise, transform and deliver its strategic objectives. It will provide robust governance arrangements and the infrastructure to support effective partnership working. By not delegating authority to dismiss within the Health & Social Care Partnership will minimise any risk related to employment matters as the employer will require to take any such decisions. .

### **4. Consultation**

#### Internal

- 4.1 The Head of Legal and Governance Services, the S95 Finance Officer, Corporate Management Group and Executive Officer Team have been consulted on the content of this report. Several meetings and formal consultation has been undertaken with the Trade Unions on the Health & Social Care Joint Working Agreement.

## External

- 4.2 NHS Tayside and the Staff Side/Trade Unions have been consulted on the Joint Working Agreement for the Partnership including the Scheme of Delegation.
- 4.3 The three Council Chief Executives from Angus, Dundee and Perth & Kinross were fully consulted on the Health & Social Care Partnership documents and confirmed their agreement to a 12-month pilot.

## **5. Communication**

### **A Principles to be followed when entering into managing, monitoring and reviewing partnership arrangements**

- 5.1 Further work will be undertaken to create a template based on the principles for effective partnership working involving all Services and relevant key staff. This template will be available and published internally to ensure that any new Partnership arrangements have access to and will operate within this framework.

### **B Joint Working Agreement – Perth & Kinross Health & Social Care Partnership**

- 5.2 If approval is given for these proposals a communication plan will be developed to ensure that all employees are aware of and understand the approved changes. An implementation date of the next available month following the decision of both this Committee and NHST approval will be set to enable the communication of the changes to be undertaken. This will be through letter to all employees aligned in the Health & Social Care Partnership, Service Newsletters and face to face opportunities, such as briefings or team meetings. Training on policies and procedures will be undertaken as required in advance of those directly taking up management of employees of the Partner organisation. Employees will be directed to relevant policies and procedures in advance of their use, as required.

## **2. BACKGROUND PAPERS**

There were no background papers relied upon in the preparation of this report.

## **3. APPENDICES**

Appendix 1: Joint Working Agreement for Health & Social Care Partnership  
Appendix 2: Scheme of Delegation for HR procedures