

PARTNERSHIP AGREEMENT

1. INTRODUCTION

This is an agreement between the Wiltshire County Council (as the Accountable Body) and the Plain Action Local Action Group (as the Delivery Body) for the delivery of the Plain Action programme.

It sets out the agreed roles and respective responsibilities of each party, establishing a framework for the relationship between both the Accountable Body and the Delivery Body, and the context for activity during the life of the agreement.

This agreement will be operative from 01 October 2008 to 31 December 2013, during which time all the terms of this document will apply.

2. BACKGROUND

2.1 Source of Funds

The Plain Action Local Action Group have recently been awarded a Local Action for Rural Communities grant to the value of £2.5m. The grant has been awarded by the Rural Development Programme for England (RDPE) 2008-13 for community-led activity. The RDPE is an European funded programme managed in the South West by the South West Regional Development Agency (Funding Body). Plain Action (the Programme) will run from 01 October 2008 to 31 March 2013.

2.2 Purpose of Accountable Body

The Accountable Body is the organisation which has the responsibility for the financial probity of a body (the Delivery Body) contracted to deliver external funds for a project or a programme of activity. It is the legal entity nominated to act on behalf of the Delivery Body in taking the responsibility for the receipt and use of external funding. It oversees the Delivery Body to ensure that funds are properly allocated and accounted for.

Wiltshire County Council provides the Accountable Body Function (ABF) for a variety of programmes and projects in Wiltshire. The ABF is operated by the Economy, Regeneration and Intelligence Team, drawing support from the Council's Finance and Legal Teams. The teams are based at County Hall, Trowbridge.

The Plain Action LAG (Local Action Group) has agreed to appoint Wiltshire County Council as the Accountable Body for the purpose of this programme and its constituent projects. The Council will also bank roll the programme, providing the funding for the programme on the production of a quarterly claim, and then claiming the funding from the SWRDA.

If at any stage in the future there is a proposal to change the Accountable Body for this programme the parties agree that a full agreement will need to be put in place to transfer all Accountable Body responsibilities and liabilities under this agreement for the whole programme to a new Accountable Body.

2.3 Accountable Body/Project Delivery

While this Partnership Agreement is designed to establish the terms of the overall partnership between the Delivery Body and the Accountable Body, a separate document –the Project Contract –will be used to specify the relationship and responsibilities associated with the delivery of individual projects. The project contract will be between the Accountable Body and the Project Deliverer. It will specify the detailed level of expenditure and outputs for each individual project.

3. CONTEXT

3.1 Agreement Purpose

The purpose of this Agreement is to

- provide a framework for the relationship between Plain Action LAG, the Delivery Body, and Wiltshire County Council, Accountable Body for Plain Action, and
- provide clear guidance as to the responsibilities and roles of the respective parties.

3.2 Aims and Objective of the Programme

The Programme has two over riding themes, namely:

- A To increase understanding of the increasingly essential contribution of the military establishment to the prosperity of the area and to ensure full military/civilian integration of all activities including strategic planning.
- B To encompass the challenges and opportunities presented by climate change and environmental issues in the unique environment of Salisbury Plain.

The objectives of Plain Action are to:

- 1 Maximise the skills, abilities, and opportunities of all those living and seeking work in the area, particularly in the context of the opportunities presented by the military establishment and the skills of those leaving it
- 2 Strengthen the long term economic performance of the area by supporting initiatives that nurture enterprise, cross sectors and remove barriers.
- 3 Work for cohesive, stable and sustainable communities throughout the area by addressing current imbalances and geographical and social isolation.

4. ROLES AND RESPONSIBILITIES OF THE DELIVERY BODY

4.1 Management and Administration

1. Comply with all the regulations and guidance notes from the European Union and the Funding Body in the delivery of the RDPE programme and the Plain Action programme.

2. Ensure the efficient and effective use of resources in the management and administration of the programme.
3. Develop and implement an effective Constitution / Memorandum and Articles of Association or equivalent document for the Delivery Body and for all necessary sub-groups used in the implementation of the programme.
4. Develop and implement procedures for dealing with the appointment and conduct of Board and Committee Members declarations and conflict of interest, public consultation procedures and decision making procedures in line with requirements of the Accountable Body and the Funding Body.
5. Decide the regeneration priorities and strategies for the programme and the overall grant allocations in line with the initial submission and the funding agreement for the programme.
6. Approve and submit to the Accountable Body and the Funding Body an annual Delivery Plan of planned expenditure, outputs, outcomes and milestones, etc. for the Plain Action programme.
7. Strive to achieve all the targets and indicators identified within the Delivery Plan and produce an annual progress report for both the Accountable Body and the Funding Body.
8. Agree with the Accountable Body procedures for competitive tendering and procurement of project contracts and ensure that they are followed.
9. Promote the Programme and its successes, and ensure reference is made to the Funding Body, Accountable Body and the RDPE programme.
10. Work with the Accountable Body in drafting and developing written procedures and appropriate management, administration, finance and IT systems for the Programme.
11. Ensure that both the Delivery Body and all project deliverers have in place effective policies and procedures:
 - i. Ensuring equality of opportunity and diversity in employment of staff and delivery of services. These should demonstrate how all parties will comply with relevant equality legislation including Race Relations Amendment Act, Sex Discriminations Act, Disability Discrimination Act and their respective Codes of Practice. Evidence of the implementation of this policy should be kept available for inspection.
 - ii. In tendering for the supply of goods and services (including project related activity), applicants must ensure that all relevant European legislation and guidance on both EU state aid rules and EU procurement regulations are complied with as well as the policies and procedures of the Accountable Body.
 - iii. Ensuring the health and safety of staff and service users in compliance with relevant Health and Safety legislation.
 - iv. Where the project involves work with children and young people, projects should have in place procedures for ensuring compliance with relevant Childrens and Young Persons legislation
 - v. Responding to complaints from service users and members of the public. In the event of the Accountable Body receiving a complaint about the Delivery

Body or a constituent project, the relevant party/ies is/are required to co-operate fully with them in the investigation and resolution of the complaint, including complying with any recommendations arising from such investigation.

vi. Responding to requests for information under Freedom of Information (Fol) legislation. If a Fol request is made direct to a project, the applicant should send a copy of the request and the response to the Delivery Body. If the Delivery Body or Accountable Body receive a Fol request, the Applicant shall provide such information as is required by them to enable a full response to be made to the request within the statutory time limit.

4.2 Maintenance of Records

1. Create and manage filing and data management systems in line with Accountable Body and Funding Body requirements.

2. Ensure there is a record of all relevant project information to provide an adequate audit trail. This will include the retention of application forms, appraisal forms, evidence of project decision (minutes, etc.), project contracts, claims, evidence to support claims, information regarding compliance to State Aid regulations, reviews and evaluations, details of any assets; all correspondence between Project, Delivery Body, Accountable Body, and Funding Body. Where a document requires a signature, a hard, signed copy must be kept on file. Other information can be kept electronically.

3. Ensure that there is a record of all relevant programme information, including minutes, evidence of decisions, declarations and conflicts of interest, claims, etc. to assist audit trail.

4. Archive information in line with Accountable Body, Funding Body and EU requirements.

5. Co-operate with the Accountable Body or any external or internal auditors appointed. Make available for inspection all documentation and provide responses to any queries raised.

6. Work with the Accountable Body to ensure individual project deliverers complete Project Contracts with the Accountable Body as required (i.e. a contract between the Accountable Body and the Project Deliverer).

4.3 Decision Making

1. Identify projects through a robust application process where there is a requirement for project applicants to effectively detail their projects, demonstrate their suitability, capacity and experience to deliver, identify associated need and strategy, provide a robust budget, give careful consideration of alternative delivery options, and adequately assess and mitigate against risks.

2. Commission appraisals which seek to assess a proposed project on the above grounds (4.3.1) and make a recommendation for approval or rejection, clearly identifying, if appropriate, conditions or reasons. The Appraiser is to have undertaken Appraisal Training from the Funding Body.

3. Develop a process which allows Local Action Group members to consider both application and appraisal and then make an informed decision as to whether a project should commence.

4.4 Performance Management

1. Ensure that proper procedures exist for the regular and careful monitoring of the implementation the Programme in line with targets as identified within the Programme Delivery Plan. Advise the Accountable Body of any changes to the delivery of the programme.

2. Ensure that proper procedures exist for the regular and careful monitoring of projects, with particular attention to the progress of milestones, outputs and budget. Where a project is failing to meet targets as identified within their application form, provide help and support, and bring to the attention of the Local Action Group Board and the Accountable Body.

3. Review activity through undertaking/commissioning a mid-term review and an evaluation considering progress against projected targets (outputs and outcomes), record any changes in the process, highlight any concerns/successes and review the programme objectives. Make the reviews available to the Accountable Body and the Funding Body.

4. Evaluate the impact of the Programme through baseline and tracking surveys.

4.5 Financial Management

1. Develop a claim process and paperwork which ensures that information is presented coherently and that projects provide adequate evidence to substantiate their claim.

2. Ensure that projects provide adequate information and detail within their claim. It is requested that all LAGs within Wiltshire utilise the same approach and paperwork.

3. Ensure that any financial assistance is give to projects in line with EU, Funding Body and Accountable Body requirements.

4. Check and submit the quarterly claims for projects to be paid by the Accountable Body.

5. Undertake careful monitoring of project spend, ensuring that it aligns with the original application in terms of milestones, outputs, costs and funds.

6. Undertake site visits as necessary to ensure delivery aligns to claim. Identify and inform the Accountable Body of any irregularities and shortfalls.

7. Work with the Accountable Body to ensure value for money and probity are achieved in the delivery of the Programme and by individual projects.

8. Make clear to all applicants and/or grant recipients of funding through the Programme that any information provided on their application form or other documents may be made available to other departments of the Accountable Body or agencies for the purposes of preventing or detecting crime. It will be made clear that any misleading statements (whether deliberate or accidental) given at any stage

during the application / claim process may render the application / grant invalid and the applicant may be liable to return any money already paid out. All cases of suspected fraud will be reported to the Police, the Funding Body, etc, as appropriate.

9. Submit claims for management and administration costs, and provide adequate evidence to substantiate those claims.

5. ROLES AND RESPONSIBILITIES OF THE ACCOUNTABLE BODY

5.1 Management and Administration

1. Ensure that the programme is administered effectively in line with guidance of the Accountable Body and Funding Body, as well principles of best practice and value for money.
2. Take a strategic overview of all regeneration initiatives in the District and relay relevant information of policy and strategy from SWRDA, GOSW, and the EU.
3. Facilitate regular meetings involving all Local Action Groups, the Accountable Body, the Funding and other appropriate agencies to promote joint working and best practice.
4. Work with all Partnerships in drafting and developing standard written procedures which can be used for all Local Action Groups, and produce manuals and guidance notes as necessary.

5.2 Maintenance of Records

1. Maintain any required financial management systems and supporting documentation up to the end date of the Programme.
2. Undertake spot checks to ensure that filing and data management systems are accurate.
3. Following the closure of the programme, file and archive all relevant documents in line with funding Body and EU requirements.

5.3 Decision Making

1. Request detail and approve the necessary processes and documentation used in the development of the application, appraisal and approval system. It is requested that all LAG's within Wiltshire utilise the same approach and paperwork.
2. Ensure that development, appraisal and approval processes remain separate.
3. Require a place on the Management Group of the Programme to oversee and monitor the decision making process.
4. Following the recommendation from the Delivery Body for a project to be approved, undertake a further risk assessment considering the risks of investment to the Accountable Body.

5.4 Performance Management

1. Consider and agree any annual Delivery Plan produced by the Delivery Body within the framework of requirements of the Funding Body and the RDPE. Identify any key issues arising from the Plan on an annual basis.
2. Ensure the programme is on target through a regular review of claims and consideration of the mid-term review.
3. Be a member of the Management Group to ensure that any issues regarding progress to targets are picked up and actioned. The role of the Accountable Body on this group will be for the purposes of monitoring, not voting.
4. Report on any changes to the Programme's Annual Delivery Plan to the funding Body.
5. Report any suspected irregularity or probity issues to the Delivery Body, Wiltshire county Council (as an organisation) and the Funding Body.

5.5 Financial Management

1. Approve the suitable financial and accounting procedures and paperwork for the management of project claims.
2. Check that all claims are compliant with State Aid legislation and VAT requirements. Ensure that applicants are eligible to receive funding (registered company/organisation, etc. and eligibility in terms of axis' and measures)
3. Monitor programme spend in line with the aims and objectives, milestones, and outputs of the Local Action Group.
4. Require a place on the Management Group to oversee and monitor the processes involved in the allocation and delivery of funds.
5. Bank roll the programme prior to submission of programme claim to the Funding Body.
6. Claim programme funds from the Funding Body.
7. Undertake, when necessary, spot checks of the financial records of projects and the delivery body.
8. Arrange, provide access and support for an independent annual audit of grant claims. Undertake regular internal audits of the Programme.
9. Prepare and submit any financial and non-financial information requested from the Delivery Body
10. Check and submit the quarterly grant claim for the Programme to the Funding Body on behalf of the Local Action Group. Properly account for and receive all the grant monies.
11. With the Delivery Body, ensure that value for money and probity is achieved in

the use of partnership funding and that all guidelines and procedures of the Funding Body and the RDPE are complied with.

6. CONTRIBUTION TO COSTS

The Delivery Body will be required to contribute to the costs of the Accountable Body providing an Accountable Body function.

7. RESPONSIBILITY OF BOTH PARTIES

7.1 Amendments

If any amendments are required to this document during the remaining life of the programme, they should be submitted in writing for consideration by the Delivery Body and the Accountable Body. If an agreement over the amendment can not be made, the Funding Body will have the overarching decision.

7.2 Dispute Resolution

Both parties shall attempt to resolve any disputes or differences by negotiating in good faith, in the first instance through day to day consultation. If they fail to resolve a dispute within 21 days from it arising, either party may refer the matter for determination to a meeting of:

- Accountable Body – Service Director of Economy and Enterprise
- Delivery Body – Chair/Chief Executive
- Funding Body – Partnership Delivery Manager

7.3 TERMINATION PROVISIONS

This agreement shall continue from the date of signing until terminated in accordance with the following provisions when it can be terminated in whole or in part:

- By immediate effect if either party commits or allows to be committed any material breach of any term of these agreements, following previous notice of such breach being given.
- By the agreement of both parties.
- When the relevant grant period expires or is terminated.

7.4 FAILURE TO DELIVER

The Accountable Body will have the right to take appropriate action, including withholding of payment as a result of failure to deliver by the Delivery Body or by individual projects. Payment may be resumed once the failure has been remedied.

7.5 CONFIDENTIALITY

Each party agrees to keep confidential the terms of this agreement and any confidential information it may acquire from time to time in relation to the other party. Neither party shall use the other's confidential information for any purpose other than to perform its obligations under this agreement. This shall not apply if both parties agree to its disclosure to secure further funding, etc, or it is necessary to comply with the Data Protection Act 1988 or Freedom of Information Act 2000.

7.6 SIGNATURES

By signing this document both parties have agreed to the terms and conditions (including contribution to costs) under which Wiltshire County Council will undertake the Accountable Body role.

Chair of the Delivery Body

Print Name: Fleur de Rhe-Philippe

Signature:

Date:

Nominated Officer for the Accountable Body

Print Name:

Signature:

Date:

end