

# The **Essex** **Compact**

## The Essex Compact

REVISED SPRING 2017

### 1. Vision

Voluntary and community organisations make a major and literally incalculable contribution to the social, cultural and economic life of Essex. They act as pathfinders for the involvement of users in the design and delivery of services and often act as advocates for those who otherwise have no voice. In doing so they promote both equality and diversity. They help to alleviate poverty, improve the quality of life and empower socially excluded people. The voluntary and community sector also makes an important direct economic contribution to the County. The Voluntary and Community sector in Essex can operate most effectively if it has the understanding and support of the statutory sector, and vice versa.

### 2. Purpose of the Essex Compact

A 'Local Compact' is a written understanding between the Statutory, Voluntary and Community Sectors and other partners within any given locality about how they will co-operate. It should recognise the contribution Voluntary and Community groups make and acknowledge their independence, and also the moves in central government and wider society towards empowering the voluntary sector and communities.

We recognise that the voluntary and community sector has a vital role in society as the nation's 'third sector', working alongside the state and the market. It is crucial to the governance and wellbeing of communities in Essex as elsewhere, working through engagement of volunteers; promotion of active citizenship; promotion of debate, questioning and new ideas; and providing services. If the Compact is effective, it will support the development of voluntary and community sector capacity, to increase and improve the impact of the sector and benefit Essex people. This is what we are setting out to do.

The voluntary and community sector in Essex is wide-ranging and richly diverse. Despite this, statutory organisations and the voluntary and community sector share many aspirations. These include the pursuit of inclusiveness, dedication to public life, and support for the development of healthy and safe communities. If the two sectors work well together, the people of Essex will benefit: they will be empowered, and will receive better services.

The diversity of the sector in Essex means that while the principles by which statutory organisations should engage with voluntary and community bodies will remain the same, the levels and methods of engagement will often quite rightly differ.

All local public bodies need to have an effective relationship with the sector, including small community groups. We intend the Essex Compact to provide a countywide framework which will complement the existing District and Borough wide Compacts as well as the National Compact and any regional compact, assisting in making roles and responsibilities clearer for Essex-wide and cross-district organisations. We see the district compacts as governing

co-operation at district level, the Essex Compact as applying to wider Essex matters, and the National Compact as governing national compact matters as well as guiding the development of local compacts. Partners should make reference to the most local compact relevant, and move to the next “level up” only if the local compact does not cover the matter in question. Where national programmes are applied locally with some devolved decision-making, first reference should be to the National Compact if rule or principle applied uniformly across the country is at stake, but to the appropriate local compact if the issue concerns local decision-making on devolved matters. The competence of a regional compact should be interpreted in the same way. We recommend that district compacts refer to the Essex Compact just as this compact refers to the national one, and that all levels learn from one another.

### **3. Shared Principles**

We assert that these principles are fundamental to the relationship between statutory sector organisations and the voluntary and community sector:

- voluntary action is an essential component of a democratic society;
- an independent and diverse voluntary and community sector enriches society and is fundamental to its well being;
- all members of the Compact will respect and recognise the independence and values of other members;
- in the development and delivery of public policy and services, statutory organisations and the voluntary and community sector have distinct but complementary roles;
- all members will strive to work with partners to make services excellent;
- all members accept the need to communicate with and listen to other partners;
- partnership is effective if it works towards common goals and achieves benefits for service users and communities;
- statutory organisations and the voluntary and community sector have different forms of accountability and are answerable to different stakeholders. But common to both is the need for integrity, objectivity, accountability, openness, honesty, leadership and inclusivity;
- voluntary and community organisations are entitled to campaign within the law to advance their aims;
- promoting equality of opportunity for all people regardless of race, age, disability, gender, sexual orientation, religion or any other discriminatory or oppressive criteria, and eliminating discriminatory or oppressive practice, is essential;
- Parish and town councils are recognised as an important part of the statutory sector, but with unique roots in local communities.

### **4. Undertakings by both Statutory Sector and Voluntary and Community Sector**

- All partner organisations will appoint a Compact Champion and spread knowledge of the Compact through their organisation.
- Reach out to and empower under represented and disadvantaged communities.
- Work to avoid conflict and spread best practice between the different Essex compacts.

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- Respect the confidentiality of information provided by partners from other sectors, within the constraints of the law and the proper performance of public duties, when given access to it on that basis.
- Check all activities and structures involving co-operation with Compact partners, against Compact principles.
- Implement mutually agreed monitoring and evaluation mechanisms for the Compact.
- Establish and implement accessible mechanisms for dealing with complaints.
- Support as appropriate training on compact issues, learning from one another;
- Recognise training needs of volunteers, people with governance responsibilities in and for relations with the VCS and for volunteers.
- Recognise the added value volunteers bring to organisations and ensure they are all valued and thanked for the unique contribution they make.

### **5. Undertakings by Statutory Sector**

To advance a positive relationship with voluntary and community bodies, statutory organisations signing up to the Essex Compact adopt these undertakings:

- recognise and support the independence of voluntary and community bodies, including their right within the law to campaign, to comment on and to challenge policy within the law, irrespective of any funding relationship that might exist, and to determine and manage their own affairs;
- take account of the need for greater proportionality, targeting, consistency and transparency in funding frameworks and to promote strategic funding, enhancing the capacity of voluntary and community organisations;
- recognise the importance of infrastructure to the voluntary sector and volunteering and, where appropriate, to support its development at a county and local level;
- seek to appraise new policies and procedures, particularly at the developmental stage, to identify as far as possible implications for the sector;
- consult the voluntary sector, subject to considerations of urgency, sensitivity or confidentiality, on issues that are likely to affect it. Such consultation should be timely and allow reasonable timescales for response, taking into account the need of organisations to consult their users, beneficiaries and stakeholders;
- take account positively of the specific needs, interests and contributions of those voluntary and community bodies which represent women, minority groups and socially excluded people;
- ensure that statutory sector staff are trained and otherwise informed on the nature and importance of the Voluntary and Community Sector and the Compact;
- undertake regular mapping exercises with the VCS to identify gaps and overlaps in service provision and areas of support needed;
- promote effective working relationships, consistency of approach and good practice between itself and the voluntary sector;
- support and actively develop policies and promote opportunities for volunteering.

## **6. Undertakings by Voluntary and Community Sector**

In developing their relationship with the statutory sector, voluntary and community voluntary sector organisations agree the following undertakings:

Voluntary and community organisations: -

- will maintain high standards of governance and conduct and meet reporting and accountability obligations to funding bodies and users;
- respect and be accountable to the law, and in the case of charities observe the appropriate guidance from the Charity Commission, including that on political activities and campaigning;
- acknowledge responsibilities and constraints placed on the statutory sector, including the democratic responsibility and legitimacy of elected representatives;
- develop quality standards appropriate to the organisation;
- ensure that service users, volunteers, members and supporters are informed and consulted, where appropriate, about activities and policy positions;
- promote effective working relationships with other agencies and across the voluntary and community sector;
- involve users, wherever possible, in the development and management of activities and services;
- put in place policies for promoting best practice and equality of opportunity in all activities, including employment, involvement of volunteers and users, and service provision.

## **7. Making It Work**

The publication of the Essex Compact in itself will not change anything. Positive and lasting change will depend on a number of essential and critical factors agreed on and committed to by all partners, namely:

- maintaining close links with District, Borough, Unitary and National Compacts to aid cross-boundary working and avoid duplication of effort;
- to review in partnership the operation and implementation of the Essex Compact annually and publish a report detailing achievements, aspirations, issues and amendments;
- to embrace the principles of the Essex Compact and promote its adoption by all other partners;
- to promote awareness of the Compact Mediation Process to resolve disagreements and complaints between the voluntary and community sectors and the statutory sector which compromise the stated commitments or undermine the spirit of the Essex Compact itself.

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# **The Essex Compact**

## **Essex Compact Mediation Services Terms of Reference**

### **PURPOSE**

**The Essex Compact** exists to improve relations between the statutory and voluntary sectors (including social enterprises) in Essex in the interests of all Essex people.

**The Essex Compact Mediation Service** exists to help realise the Essex Compact through helping to overcome difficulties that occur when one partner believes the Compact has been breached by another partner, but there is not agreement about the fact of a breach, or alternatively about what action should be taken.

### **VISION**

It is intended that The Essex Compact Mediation Service should hold the trust and understanding of all partners to the Essex Compact. It will help find common ground and a way forward when disputes occur between partners about the implementation of the Compact and will thereby contribute to good relations between partners. It will at all times act with fairness, understanding, professionalism and relevant knowledge.

### **PRINCIPLES**

The Essex Compact Medication Service (ECMS) is based on these principles:

- **Wholehearted support** for the principles and commitments in the Essex Compact
- **Trust** in signatories to the Essex Compact to have policies and willingness to investigate complaints fairly and thoroughly. We will not duplicate internal investigations: the ECMS can only be activated if the complainant has tried such a route and is not satisfied with the outcome
- **Taking responsibility** in that any action taken as part of the mediation process must be taken on behalf of an organisation that is party to the Compact and not purely as an individual
- **Freedom to choose** whether to pursue the matter through other channels, including legal
- **Open-mindedness** in considering possible mistakes or misunderstandings
- **Goodwill** in taking actions after the mediation proves – that actions agreed should be implemented in good faith and neither side should victimise the other.

## TERMS

- 'The Compact' here means 'The Essex Compact'
- 'Mediation' means an attempt to resolve a dispute in a mutually acceptable way through the good services of a neutral third party without the power to impose a settlement.

## HOW THE MEDIATION SERVICE WORKS

### The Mediation Panel

The Steering Group shall appoint from its members a Mediation Panel. The Panel may co-opt up to two non-members of the Steering Group to join the Panel. The total membership of the Panel shall consist of an equal number of statutory and third sector representatives, or if the total membership is an odd number, an excess of only one person from either sector.

The Essex Compact Forum shall appoint a Chair of the Mediation Panel who shall not be otherwise a member of the Forum or the Steering Group, and this position shall be elected annually. Initially the Steering Group may appoint a Chair of the Panel if no Forum has yet been constituted.

**When any party to the Essex Compact perceives another party to have breached the Compact, they should go through the following stages:**

- 1) Make sure that they have full information and are confident of their ground: this may involve liaison with colleagues in the same organisation, or with someone in the organisation perceived to have breached the Compact, or with others
- 2) Raise the matter with the organisation perceived to be at fault, setting out the nature of the complaint and its relation to the Compact, and give them every opportunity to deal with the matter through their own processes including any appeal process available
- 3) If not satisfied with the outcome of (2), refer the matter to their own decision-makers so that any decision to take the matter further clearly has the backing of their organisation
- 4) Subject to (3) and to a decision to pursue the matter, raise the matter with the Chair of the Mediation Panel of the Essex Compact Steering Group.

**The Chair of the Panel or his/her representative will then:**

- 1) Notify the organisation(s) complained about of the receipt and content of the complaint
- 2) Assess whether the complaint falls within the terms of the Essex Compact and notify all parties of its decision, which will be either that:
  - a) The complaint is covered by the Essex Compact and will be investigated; or

- b) The complaint is not relevant to the Essex Compact but is relevant to another Compact (local or national) and, with the complainant's agreement, will be referred accordingly; or
  - c) The complaint is not a Compact matter.
- 3) If the conclusion is (a), the Chair will appoint one mediator (which can be himself/herself) who will look into the matter, speak to all parties the explore whether the matter may be informally resolved
- 4) If the matter cannot be resolved formally at this level, the Chair will appoint a team of three mediators (which may or may not include the original one and which shall include at least one third sector and at least one statutory sector representative) to meet with all parties and attempt to find agreed ground which can lead to the problem being resolved
- 5) At the end of the process the team will report to both parties to the dispute and the Steering Group, through the Chair of the Panel, **either** that a mutually acceptable solution has been found, setting out the specifics of the solution and seeking formal commitment by both parties to that solution, **or** that it has been unable to find such a solution.
- 6) In the event that one or both parties fail to endorse the solution, or dispute that some part of it was agreed, the Steering Group will consider the matter and **either** ask the existing team to try to resolve the matter, **or** ask the Chair of the Panel to appoint a new team **or** notify the parties that it cannot proceed further with the matter.
- 7) In the event that the solution is agreed, but it is later alleged by one party that another party failed to keep to it, the Steering Group, with the advice of the Chair of the Panel, will consider the issue and attempt to resolve the matter informally. If necessary it may recommence the process at stage 2.
- 8) In the event that no solution is agreed, the Steering Group will, through the Chair of the Panel, communicate its understanding of lessons to be learnt to the parties involved and may also comment publicly, but without breaching confidentiality on any exchanges during the mediation.

## **COMPLAINTS AND MONITORING**

Any complaint about the conduct of any part of the mediation process should be addressed to the Steering Group in the first place, and then if necessary to the Essex Compact Forum under the common Complaints Policy.

The Chair of the Mediation Panel shall report regularly to the Steering Group, which will report at least annually to the Essex Compact Forum on mediation conducted and lessons to be learnt from it.

Please send any queries about this document in the first place to the Chair of the Essex Compact Steering Group.

## **Social Value and the Essex Compact**

Social Value is loosely defined as *'the additional benefit to the community from a commissioning/procurement process over and above the direct purchasing of goods, services and outcomes'*.

A social value-led approach reflects many of the principles of public service reform, as it focuses on using the collective resources of the public sector and the organisations that are engaged in new and different ways to improve both outcomes and value.

The public Services (Social Value) Act 2012, came into effect in January 2013 placing a duty upon all public authorities to consider, at pre-procurement stage: a) how what is to be procured may improve the social, economic and environmental wellbeing of the relevant area, and b) how, in conducting the process of procurement, they might secure any such improvement (in a manner that is relevant and proportionate to that contract).

Placing a new emphasis on social value alongside the economic considerations of procurement, one of the key aims from this new legislation is to provide fair opportunity to smaller, local enterprises, and particularly to place community and voluntary sector organisations on a level footing to compete for public contracts alongside much larger or national companies often much better equipped to evidence economic over social value. Whilst the legislation was prepared with regard to high value contracts for goods, services, and works (above the European Procurement thresholds), many statutory organisations have considered it appropriate to apply the principles enshrined in the PSSVA to all contracts.

Social value is intrinsically linked to the values of the Compact – both seek to maximise the most effective use of resources to improve local communities. However, in an era of increased commissioning, social value could also help voluntary sector organisations in their pursuit of local contracts whilst realising the social, economic and environmental impact we can expect for our communities. Voluntary sector organisations are well placed to be able to demonstrate local value e.g. detailed understanding of specific local needs, increasing volunteering, high levels of trust and engagement with local communities and the ability to work across multiple services.

The Essex Compact Steering Group is always keen to hear from local organisations as to their experience of the pursuit of social value. Has your organisation benefitted from a social value outcome? Have you helped to shape your area's social value framework? And have you noticed a meaningful weighting of social value in tenders considered by your organisation? Commitment to the implementation of both the Essex Compact and Social Value is of critical importance in the benefitting of voluntary sector organisations and communities across the County and Unitary Authorities.