

The Compact

The local Compact on relations between Torbay Strategic Partnership and the Third Sector in Torbay.

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Foreword by the Mayor of Torbay

Torbay's public sector bodies recognise the value of a thriving local third sector and the benefits it brings to securing effective outcomes for the residents of Torbay. Community Plan priorities include, Learning and Skills for the future "to *work with the voluntary sector to raise skills through community development*". Stronger Communities "*Support volunteers in the community and self help*"

However it is also acknowledged that we need to improve the way we work with the third sector, the approach has been lacking in a coordinated direction and financial commitment. The timing is appropriate with the Transformation change agenda and the decision to introduce a commissioning model across all of the service delivery activity.

The third sector is an important element of a strong society. It has a clear role in providing services as well as helping to shape policy and contributing to the development of stronger communities. The third sector can also contribute to transforming public services. To enable this Torbay Strategic Partnership (TSP) and other partners, must be able to draw on the understanding and experience of the third sector in designing, developing and delivering services.

The role of local authorities is also changing. The council is a community leader, leading by example, responsible for creating more vibrant, safer and stronger communities as well as securing effective outcomes that lead to an improvement in people's quality of life. The council cannot fulfil this role without support from a thriving local third sector.

The successful outcome is an increase in the number of productive partnerships that can generate additional funding and capacity and clearly demonstrate a return on public investment.

This is particularly relevant in areas where Torbay is transforming the way services are delivered and how agencies work collaboratively with communities focussing on more prevention and early intervention. Specific areas that will benefit from these improvements will be the 'Closing the Gap' programme, the transformation of adult social care and our approach to planning for an ageing population and our transformation

of Children’s Services. The need for strengthening of the sector is further reinforced by the impact of the recession and public finances.

Mayor Nick Bye

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Foreword by Rebecca Pearse, chair of Torcom

The third sector in Torbay cares about the full spectrum of people's lives. The vibrant body of voluntary and community organisations in the Bay is a fixture as vital to us as our beautiful landscape. It has taken at least a century to build, created by the people, for the people.

This rich reserve is being tapped into more enthusiastically and with more vision, as the worth and expertise of the third sector becomes more recognised. For this to continue happening for the greater good of our community, productive links with our local partners are being forged.

As chair of Torcom, the voice of Torbay's voluntary sector, I would like to commend this new, refreshed local Compact to all of you who work in the third and public sectors. The Compact is quite simply an agreement between statutory bodies and the voluntary and community organisations, to improve the way they work together, for mutual benefit. It will have different implications for different parts of the sector. However, it will frame the relationship wherever a third sector organisation has dealings with public bodies.

So, the local Compact is not just words in a booklet. This document is transformed into a living, breathing force by the Compact Champions across the bay who uphold its principles – and can take action if those principles are broken. Once again, it is local people who are at the heart of its implementation.

So let's use this agreement together, with openness, positivity and truth. We can draw on its commitments to enhance and strengthen our local partnerships and at the same time afford each other the respect we deserve in our own rights. Only by working together can we rise to the challenges ahead.

Rebecca Pearse
Chair of Torcom

Compact principles

The Compact outlines the relationship between Torbay Strategic Partnership and the third sector, allowing them to work together more effectively to strengthen communities and improve people's lives. While there are many differences between the public and third sectors, – which must be acknowledged and respected – the sectors have much in common.

In particular, the public sector and the third sector share a common set of principles, which are at the heart of what they are trying to achieve. These principles make it clear that the Compact is neither a set of rules nor a bureaucratic burden, but a way of working that can help deliver real outcomes and improvements for people and communities. These principles have been created to help the Torbay Strategic Partnership and the third sector build relationships and work together effectively in partnership.

The Compact's commitments put these shared principles into practice.

The shared principles of the Compact are:

- **Respect:** Torbay Strategic Partnership and the third sector are accountable in different ways, but both need to act with transparency and integrity. Effective partnerships are built on mutual understanding and an appreciation of the differences between partners of the Compact.
- **Honesty:** It is only through open communication that strong partnerships can be built and maintained. Full and frank discussions should be the basis for resolving difficulties.
- **Independence:** The independence of the third sector is recognised and supported. This includes its right within the law to campaign, to comment on and to challenge Torbay Strategic Partnership policy (whatever funding or other relationship may exist with Torbay Strategic Partnership) and to determine and manage its own affairs.
- **Diversity:** The Torbay Strategic Partnership and the third sector value a thriving civil society, which brings innovation and choice through a multitude of voices.

- **Equality:** Fairness for everyone, regardless of their background, is a fundamental goal, and Torbay Strategic Partnership and the third sector will work together to achieve this.

- **Citizen empowerment:** By working together, the Torbay Strategic Partnership and the third sector can deliver change that is built around communities and people, meeting their needs and reflecting their choices.

- **Volunteering:** The energy and commitment of people giving their time for the public good contributes to a vibrant society, and should be recognised and appreciated.

Torbay Strategic Partnership and the third sector are committed to these principles.

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The Compact commitments

Involvement in policy development

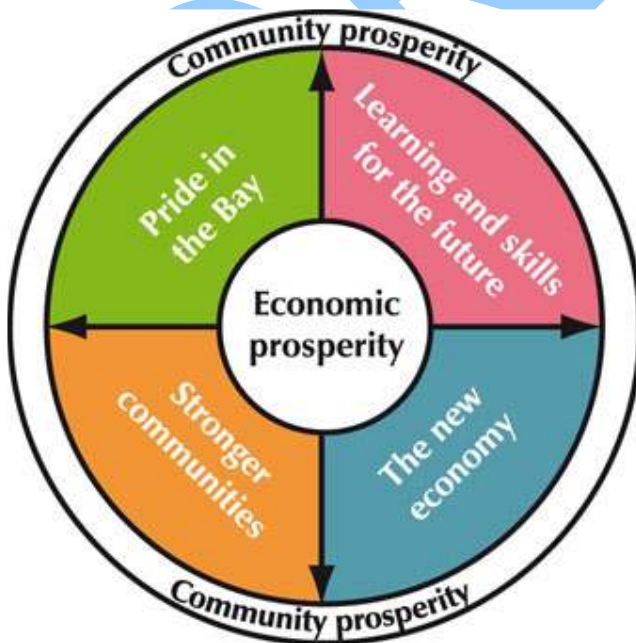
Third sector organisations have expertise in many areas, often because they work directly with people and groups on the ground. This allows them to understand the needs of their beneficiaries and provide new and effective answers to problems. Involving and consulting the third sector can help Torbay Strategic Partnership develop policies that meet the needs of people and communities.

Involving the third sector in policy development is a continuous process right from the earliest stages of policy development. It includes a range of methods – from informal engagement to full-scale public consultation.

How will this happen in Torbay?

Diary of forthcoming consultations

Accountable to the local strategic partnership, the four commissioning partnerships with public, private and third sector representation have been established. These four partnerships reflect the quadrants of the Community Plan wheel:



Involvement in policy development
Commitments for Torbay Strategic Partnership

1 When to involve?

Involving the third sector in policy development at the earliest stage possible will allow Torbay Strategic Partnership to get the most out of the process. This will lead to more effective policies and programmes being developed.

Torbay Strategic Partnership undertakes to:

- 1.1** Involve the third sector from the earliest stages of policy development, on all relevant issues likely to affect it. This can include empowering third sector organisations to start discussions within affected communities themselves.
- 1.2** Inform the sector of progress in developing policy.
- 1.3** Identify implications for the third sector when assessing the impact of new policies, legislation and guidance.

2 Who to involve?

Spending time and resources helping third sector organisations make their voices heard helps ensure that their knowledge can contribute to policy development.

Torbay Strategic Partnership undertakes to:

- 2.1** Identify and remove barriers, such as language barriers, which may prevent third sector organisations from contributing to policy development.
- 2.2** Encourage and facilitate responses from the full range of third sector organisations that are likely to have a view.
- 2.3** Support the development of third sector infrastructure. Infrastructure bodies enable third sector organisations to help people and communities more effectively, through services such as capacity building, representation and other forms of support.
- 2.4** Identify where there are costs to third sector organisations as a result of partnership work with Torbay Strategic Partnership and offer support on

a clear and consistent basis. This can be especially important for infrastructure bodies that are helping to organise or run consultations.

3 How to involve?

Third sector organisations can provide stronger and better-informed responses if the consultation methods used are suited to the purpose and audience, and if enough time is given for people to respond. Either formal or informal consultation methods may be appropriate depending on the circumstances and on the type and sizes of the organisation.

Torbay Strategic Partnership undertakes to:

- 3.1 Avoid compromising or undermining the independence of third sector organisations (whatever financial or other relationship may exist between them).
- 3.2 Give notice of forthcoming consultations so that organisations can plan ahead.
- 3.3 Publicise consultation exercises widely and make sure they are accessible to the people they are intended to reach.
- 3.4 Use a variety of different consultation methods and explain the reasons for selecting them.
- 3.5 Explain which matters are open to change as a result of the consultation and which are not. Provide feedback to explain how respondents have influenced policy decisions, including where respondents' views have not been acted upon.
- 3.6 Allow enough time for third sector organisations to involve their service users, beneficiaries, members, volunteers and trustees in preparing responses.
- 3.7 Conduct 12-week formal written consultations, with an explanation given for shorter time-frames.
- 3.8 Make third sector organisations aware of the consulting organisation's obligations under the Freedom of Information Act 2000. Where appropriate, protect the confidentiality of information that

has been supplied by a third sector organisation for the consultation.

Commitments for the third sector

4 Effective involvement

When the third sector engages actively in policy development, it helps build Torbay Strategic Partnership's trust in the sector, establishing valuable links between the two sectors and encouraging the Torbay Strategic Partnership to commit actively to listening to third sector views.

Third sector organisations undertake to:

4.1 Involve service users, beneficiaries, members, volunteers and trustees when preparing responses to consultations.

4.2 Give feedback on what information is presented to Torbay Strategic Partnership and what the outcome is to everyone involved in responding to the consultation.

4.3 Be clear about whose views are being represented and what those views are. This includes explaining whether views have been gathered directly (and from what audience), or whether the response is based on the organisation's knowledge and experience of the issues.

4.4 Make sure all research and information that is presented to Torbay Strategic Partnership is accurate and credible. Explain where the information comes from and if there is conflicting evidence.

4.5 Be aware of the consulting organisation's obligations under the Freedom of Information Act 2000. Where appropriate, respect the confidentiality of information that has been supplied by Torbay Strategic Partnership for the consultation.

4.6 Promote Torbay Strategic Partnership consultations across the third sector, where appropriate.

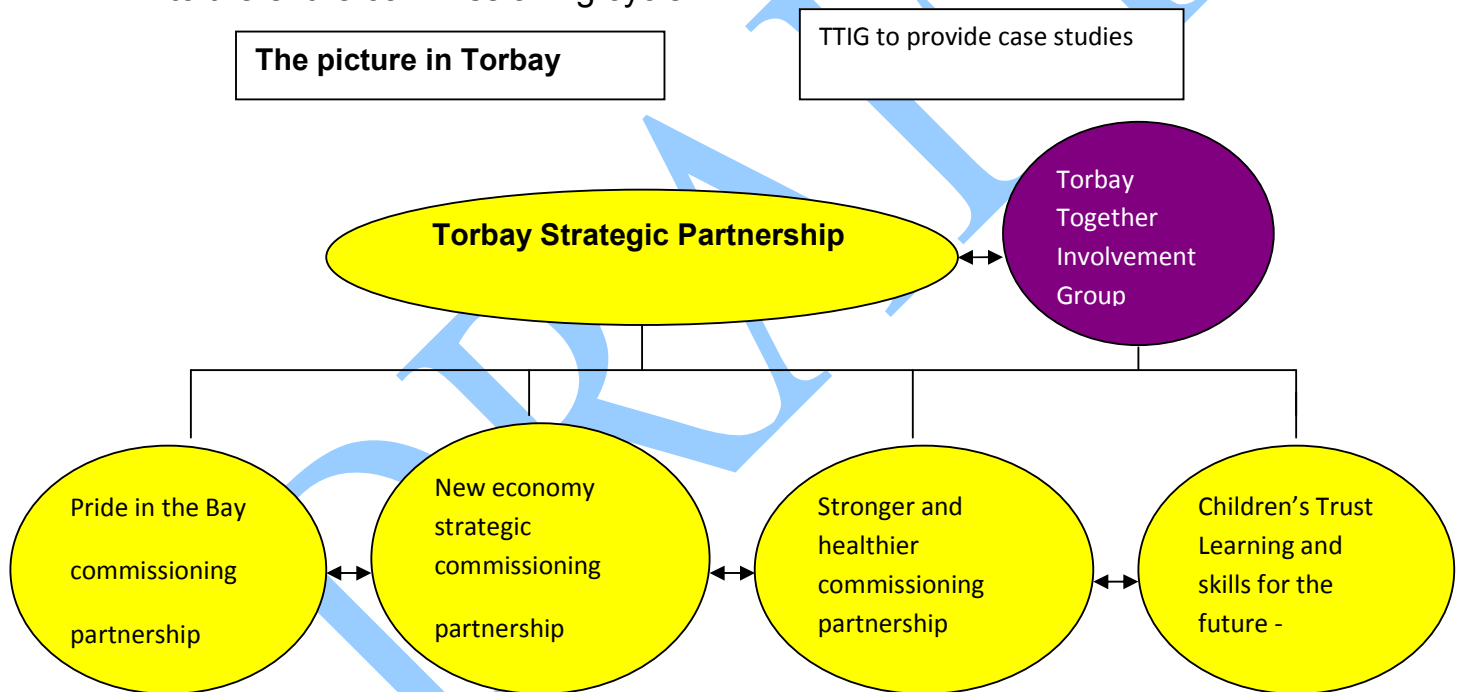
4.7 Accept that, in rare cases, consultations may need to take place in shorter time-frames than 12 weeks.

The Compact commitments

Allocating resources

Third sector organisations, including those that receive no public funding, are often in a good position to understand what people want and how their needs can be met. By working together and co-designing programmes, Torbay Strategic Partnership and the third sector can deliver policies and programmes that are built around communities and individuals, meeting their needs and reflecting their choices.

This section reflects good practice in commissioning, and is relevant to the entire commissioning cycle.



Torbay Strategic Partnership has developed four commissioning partnerships to deliver the Community Plan:

Stronger and healthier – health, social care and community safety

New economy – business, enterprise and lifelong learning

Children's Trust – schools, safeguarding, special needs and some children's health services

Pride in the Bay – the environment, tourism, culture

Allocating resources

Commitments for Torbay Strategic Partnership

5 Planning

Third sector organisations are often in a good position to understand people's needs and to provide innovative solutions to those needs. Involving third sector organisations in designing new programmes and services, and focusing on results, can help Torbay Strategic Partnership provide the right resources, identify risks and solutions, and achieve better outcomes. When done appropriately, this does not affect competitive neutrality.

Torbay Strategic Partnership, through its commissioning partnerships, undertakes to:

- 5.1 Plan new programmes and services with a focus on outcomes, providing scope for innovation wherever possible.
- 5.2 Work with third sector organisations to understand public service reform and support the sector in responding to changes.
- 5.3 Begin planning programmes and services well in advance of the expected start date, based on consultation with the third sector.
- 5.4 Ensure that those third sector organisations that are likely to have a view on the programme or service are involved from the beginning.

6 Choosing finance and funding options

Choosing the most appropriate funding mechanism will help to secure the most appropriate organisation to deliver outcomes.

Torbay Strategic Partnership, through its commissioning partnerships, undertakes to:

- 6.1 Consider different ways of funding organisations working with it. These methods could include grants, procurement, loan finance, training, use of premises or other support. A clear rationale should be provided for the decision.
- 6.2 Ensure that the size and scale of the funding arrangement reflects

the project's objectives and attracts those organisations best placed to deliver the required outcomes.

6.3 Advocate that prime and sub-contractors and all other public and private bodies distributing public money work within the Compact by making it a requirement of funding arrangements.

6.4 Apply the Compact when distributing European funding. Where conflicts arise with European regulations, discuss the potential effects and possible solutions with the third sector organisation.

7 Application and bidding processes

A well-managed application process that is proportionate to the desired objectives will encourage a diverse range of organisations to apply, helping to ensure that the most appropriate organisation is found for the role.

Torbay Strategic Partnership, through its commissioning partnerships, undertakes to:

7.1 Ensure that application documents are:

- Publicised widely
- Proportionate to the nature of the risk and the amount of funding being allocated
- Contain enough information to allow organisations to make informed decisions.

7.2 Require that application and bidding processes across funding bodies are consistent with overarching Office of Government Commerce (OGC) guidance on public procurement.

7.3 Allow enough time for organisations of all sizes to apply, as well as for consortia and partnership working bids.

7.4 Be clear about how bids will be assessed.

7.5 Make decisions on the basis of value for money. This may include taking into account the wider community benefits at the award stage or when identifying procurement needs.

8 Understanding costs

Funding bodies have an interest in ensuring that organisations can manage and administer their activities effectively. Support functions are vital to achieving this.

Torbay Strategic Partnership, through its commissioning partnerships, undertakes to:

- 8.1 Recognise that it is appropriate to include relevant overhead and administrative costs in applications.
- 8.2 Accept the recovery of costs associated with volunteering, such as managing volunteers and reimbursing expenses.
- 8.3 Be consistent across sectors when requesting cost breakdowns from organisations.

9 Making decisions

Award criteria should be designed to allow the funder to select the provider that is best placed to achieve best value for money.

Torbay Strategic Partnership, through its commissioning partnerships, undertakes to:

- 9.1 Commit funding for three years or more. If this is not the best way to deliver the best value for money, Torbay Strategic Partnership, through its commissioning partnerships, should explain clearly what alternative funding arrangements could deliver the same outcomes.
- 9.2 Make funding decisions and inform organisations at least three months in advance of the expected start date. Any departure from that time-scale should be justified and explained.
- 9.3 Provide constructive feedback to unsuccessful organisations.

10 Agreeing delivery terms

Agreeing terms in advance ensures a clear and shared understanding of respective responsibilities and allows the organisations involved to focus on delivery.

Torbay Strategic Partnership, through its commissioning partnerships, undertakes to:

10.1 Discuss the risks to the project and agree delivery terms before a financial agreement is signed.

10.2 Allocate risks to the organisation(s) best equipped to manage them. Ensure that delivery terms and risks are proportionate to the nature and value of the opportunity.

10.3 Agree a process for managing performance and responding to changing circumstances before signing a financial agreement.

10.4 For grants, agree how under spend will be managed.

11 Making payments

Payment terms which suit the type of service and the organisation involved will increase the likelihood of the desired outcomes being achieved.

Torbay Strategic Partnership, through its commissioning partnerships, undertakes to:

11.1 Make payments in advance of expenditure where there is a clear need and where this represents value for money. This may be particularly relevant for grants.

11.2 Make payments within 10 working days of invoices being received.

12 Monitoring and reporting

Appropriate monitoring reduces costs, time and resources for both sides, and means that time and effort can be focused on delivering results.

Torbay Strategic Partnership, through its commissioning partnerships, undertakes to:

12.1 Discuss and agree how outcomes will be monitored before a contract or funding agreement is signed.

12.2 Be clear about what information is being requested, why, and how it will be used.

12.3 Ensure that monitoring and reporting is proportionate to the nature and value of the opportunity. Focus on evidence that is meaningful to the beneficiaries of organisations, as well as to funders.

12.4 Consider how service users can be involved by getting their perspective of performance.

12.5 Aim to standardise monitoring and reporting arrangements.

12.6 Ensure that monitoring is consistently applied to organisations in all sectors.

12.7 If the project is encountering problems, discuss and agree a timetable of actions to improve performance before making a decision to end a financial relationship.

13 Concluding a financial relationship

It is important to plan ahead for the end of funding, in order to reduce its negative impact on the people involved, the stability of the third sector organisation and future partnerships.

Torbay Strategic Partnership, through its commissioning partnerships, undertakes to:

13.1 Assess the impact on beneficiaries, service users and volunteers before deciding to reduce or end funding.

13.2 Where there are restrictions on future resources, discuss the potential implications as early as possible with third sector organisations.

13.3 Give a minimum of three months' notice in writing when ending a funding relationship or other support, and provide a clear rationale for why the decision has been taken.

13.4 Give organisations an opportunity to respond to the ending of funding and consider the response before making a final decision.

13.5 Review programmes and services with relevant third sector organisations to inform future practice.

Commitments for the third sector

14 Contributing to planning

When third sector organisations contribute to the planning and design of programmes and services, it helps ensure that they reflect the needs of beneficiaries.

Third sector organisations undertake to:

14.1 Involve users, beneficiaries, members, volunteers and trustees when designing or reviewing programmes and services.

14.2 Provide feedback to contributors on information that is presented to Torbay Strategic Partnership and on what the outcomes are.

14.3 Be clear about who they are representing, in what capacity, and on what basis they are making that representation.

15 Making applications and bids

Organisations should ensure that they are eligible to apply for funding and should check that the objectives of the funding programme or service are in line with the organisation's mission before applying.

Third sector organisations undertake to:

15.1 Be clear on their reasons for bidding or applying to deliver programmes or services.

15.2 Show that they understand how new funding will impact on their organisation, relate to its mission, and contribute to its income mix.

15.3 Ensure they have a robust and clear understanding of the relevant overhead and associated costs to include when applying for resources

15.4 Be clear which organisation is the accountable body in partnership or consortia working arrangements.

15.5 Apply Compact principles when sub-contracting to other third sector organisations.

16 Agreeing delivery terms

Delivery and payment terms should be proportionate, in order to ensure that the project can run smoothly and focus on maximising outcomes for beneficiaries.

Third sector organisations undertake to:

16.1 Be clear about the risks associated with delivering programmes and services, and agree delivery terms before a contract or funding agreement is signed.

16.2 Have appropriate governance arrangements in place and ensure that everyone involved understands and agrees to delivery terms.

16.3 Be clear about payment terms and, if appropriate, demonstrate why payment in advance is required.

16.4 Recognise that it is legitimate for funders to ask for public recognition of their funding.

16.5 Have appropriate systems in place to manage and account for finances.

17 Monitoring and reporting

Managing funding effectively requires good monitoring. It promotes better working relationships with funders and ensures that performance is managed properly.

Third sector organisations undertake to:

17.1 Negotiate monitoring and reporting requirements before a financial agreement is made.

17.2 Recognise that monitoring, both internally and externally, is an element of good management practice.

17.3 Ensure that systems are in place to deliver the reporting required.

17.4 Give early notice to funders of significant changes in management, or financial or other risks.

17.5 Be open and transparent in reporting.

18 When a financial relationship ends

Contingency planning for the end of a contract or grant helps minimise the impact on beneficiaries. Planning in this way can help with long-term sustainability.

Third sector organisations undertake to:

18.1 Plan for the end of funding to reduce any potential impact on beneficiaries and the organisation.

18.2 Contribute positively to reviews of programmes or services to inform future practice.

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The Compact commitments

Advancing equality

Working together for equality

Equality for everyone, regardless of their background, is a core value of our society, shared by the public and third sectors. As both society itself and equality legislation continue to evolve, it is crucial that the public and third sectors work well together to achieve equality and fairness for everyone.

This section of the Compact recognises the vital role that the third sector plays in helping to create a more equal society and sets out commitments that will help both sectors work together to achieve their equality goals.

The law protects people from discrimination on the basis of a number of different characteristics, including race, gender, age, sexual orientation, religion or belief, disability and gender reassignment. These are referred to in this document as 'protected characteristics'.

A good working relationship between the third sector and the public sector will help to meet the needs of the people they serve or represent and reduce inequality. The Compact plays a key role in helping this relationship to work.

Advancing equality
Commitments for Torbay Strategic Partnership

19 Promoting equality and diversity

Promoting equality and diversity is a shared goal of the public and third sectors.

Torbay Strategic Partnership undertakes to:

19.1 Work with the third sector towards eliminating unlawful discrimination and promoting equality of opportunity. Put strategies in place to help achieve these aims in line with existing public duties.

19.2 Where appropriate, work with organisations in the third sector that represent people with protected characteristics, to understand their specific needs and design appropriate services.

19.3 Ensure that all third sector organisations, including those that serve people with protected characteristics, have equal opportunities to access Torbay Strategic Partnership and its commissioning partnerships' funding programmes. This includes access to funds to build capacity, and to prepare and deliver projects.

19.4 Be clear about any actions on equality that third sector organisations will be expected to undertake if they are funded to deliver programmes.

19.5 If a strategic grant is withdrawn from an organisation serving people with a specific protected characteristic, assess the need to reallocate the grant to another organisation serving the same group.

19.6 Work with the third sector to identify and remove any barriers that prevent volunteering by people with protected characteristics.

19.7 Continue to ensure that it is free for volunteers to access Criminal Record Bureau (CRB) checks and commit to free registration of volunteers with the Independent Safeguarding Authority (ISA). Work towards a single check for volunteers who are volunteering for more than one cause.

20 Representation and infrastructure

Both central and local Government already support third sector organisations that give a voice to diverse groups. The public sector can take some simple steps to improve the effectiveness of engaging these organisations.

Torbay Strategic Partnership undertakes to:

20.1 Acknowledge that funding for organisations that serve people with only one protected characteristic can promote cohesion.

20.2 Enable infrastructure organisations representing people with protected characteristics to participate in policy development, consultation or other activities, by supporting them appropriately.

20.3 Recognise that groups which involve people with protected characteristics at community level may be small or informal, and engage with these groups in a way that suits their working methods.

Commitments for the third sector

21 Promoting equality and diversity

An important way in which the third sector can promote equality effectively is by working with Torbay Strategic Partnership on equality issues.

Third sector organisations undertake to:

21.1 Take practical action in partnership with Torbay Strategic Partnership to eliminate discrimination, advance equality of opportunity and build community links.

21.2 Show committed leadership (especially at senior levels) to promote equality and, where necessary, put strategies in place to achieve it.

22 Representation and infrastructure

Third sector organisations are ideally placed to represent the views of people with protected characteristics. However, it is important that these organisations carry out this role effectively and transparently, and that

their activities serve all relevant groups.

Third sector organisations undertake to:

22.1 Be clear on who is being represented and how their views have been gathered.

22.2 When selecting representatives from organisations and communities, be clear who they represent and with what legitimacy.

22.3 Where appropriate, support infrastructure organisations that can promote the interests of people with protected characteristics.

22.4 Identify groups that are in danger of being marginalised, excluded, or are currently underrepresented in voluntary activity, and put in place measures to promote their involvement.

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Resolving Differences

If partners fail to comply with the Compact, those involved should explain why.

Disagreements over meeting the Compact commitments should be resolved, amicably and informally, between partners through open dialogue and negotiation before they escalate.

The Compact principles form the basis of the relationship. Where issues are not covered in the commitments, compromise and discussion should be based on these principles.

If things go wrong there should be an open admission of the fact and an honest discussion to resolve the situation. The Compact is there to help build effective partnerships, and this includes navigating difficult times. Ignoring it would both be unacceptable and unhelpful. The Compact should be at the heart of dispute resolution as a constructive tool towards better partnerships.

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Disputes procedure

If a matter cannot be resolved informally, then the following steps can be pursued.

Step One

A clear and concise explanation of the matter should be put in writing, including where appropriate:

- a summary of the issues in dispute
- the Compact code or practice, principle or guideline which is held to be infringed
- names and roles of parties involved
- dates of relevant events/episodes
- copies of relevant correspondence
- what action has been taken to resolve the matter to date

The written enquiry will then be referred to the Compact Steering Group, yet to be identified, which will decide if

- a) it is a matter that falls within the remit/scope of the Compact
- b) appropriate early action can be taken to resolve the issue
- c) further information/clarification is required from any of the parties concerned.

A letter will be sent to the initiator of the enquiry within four weeks, explaining what action is proposed and/or requesting further information or clarification, as appropriate.

Step Two

Should it not be possible to resolve the issue at Step One, a Compact Disputes Panel may be set up. Its purpose is to attempt to resolve or rule on disputes which cannot be resolved at Step One.

Meetings shall be arranged at the earliest possible date consistent with the availability of a majority of Panel members and representatives of the parties to the dispute. The Panel shall attempt to resolve the matter at one meeting. However, if it is considered that further evidence is required before reaching a conclusion, it may be decided to re-convene at a later date.

If, after hearing all the available evidence, the Panel is able to reach a decision as to the action that is required to resolve the dispute, the Chair of the Panel shall write to all the parties concerned requesting that such action is carried out.

Those parties from whom action is required will be requested to respond within 4 weeks, with confirmation of the action taken and its outcome. Where the Panel is unable to reach a conclusion, and does not believe that further evidence is available which will enable it to do so, the dispute will be considered irresolvable, and the parties will be notified accordingly. A summary of all disputes referred to the Panel and the action taken will be submitted to the Compact Steering Group.

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