



**Community
Legal Centres
Queensland**

Documenting Collaborative Relationships

Community Legal Centres Queensland Member Resource

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About this resource

This resource is a brief guide for community legal centres (CLCs) to document their collaborative relationships with each other and other community agencies.

This resource outlines some of the key issues that community legal centres might consider in formally documenting shared understandings in working with others in the sector and the community. The structure of this information is based on *Justice Connect's Not-for-profit Law Memorandum of Understanding (MOU)* factsheet.¹

It is important to bear in the mind that while there are some standard areas to cover in documenting a collaboration, the key to the document are the discussions and understandings between the two parties. This resource provides some discussion starters.

What to call the document?

A **Memorandum of Understanding (MOU)** is commonly used in the community sector where organisations want to cooperate to achieve a common goal or vision, but do not want to be legally bound. If the arrangement goes beyond cooperation or shared information, a more formal agreement may be required. Not-for-profit Law's *Working with Other Organisations* guide provides more details about the nature of other types of agreements that organisations can use to work together.

Issues to cover in an MOU²

Details of the organisations entering the MOU

This includes the **names and a brief description** of the organisations, with a particular focus on how this informs the collaborative relationship.

Small Town CLC Inc. is a community legal centre that provides general legal advice services to the community of Small Town. Helpful Community Organisation Inc. is a community centre that provides a range of counselling and social support services to the area of Small Town and the Small Town region.

Objective of the arrangement and goals or expected benefits

This outlines **why the parties to the document want to collaborate**. Some reasons may be to:

- Target a particular client group; or
- Ensure geographical coverage of services; or
- Provide complementary service delivery, such as drawing upon specialist expertise; or
- Ensure streamlined referral pathways; or
- Collaborate on a project or program of the service, such as community legal education or law reform.

¹ Not-for-profit Law's *Memorandum of Understanding* February 2015
http://www.nfplaw.org.au/sites/default/files/media/Memordanda_of_understanding_0_0.pdf

² Above Note 1.

Agreed actions, services and areas of support

An MOU could have **multiple agreed actions and areas of support**.

Examples of the types of actions, services and supports CLCs might want to document include to: share information; cooperate on particular projects; promote activities of the other party; refer clients to the other party; and jointly host workshops/events.

Strategies and mechanisms for dealing with common issues

The strategies and mechanisms need to be **discussed in detail so they can be documented**. The kinds of questions that might need to be addressed and documented for different agreed actions and areas of support can be found in the table below.

Agreed Action	Example	Strategies and Mechanisms
Share Information	<i>Small Town CLC Inc. and Helpful Community Organisation Inc. agree to meet on a quarterly basis to discuss the trends in the catchment area to inform service planning and to ensure effective referral practices.</i>	<ul style="list-style-type: none"> • What kinds of information will be shared? • What kinds of information won't be shared? • How will information be used by parties? • What resources are needed to share information – financial and non-financial? • What resources will parties provide as part of the collaborative process? • How and when will the parties meet? • What are the formal and informal opportunities to share information? • Is there a start and a finish to the arrangement?
Cooperate on particular projects	<i>Small Town CLC Inc. and Helpful Community Organisation Inc. agree to work on the project "Young People are our future" to assist families and the local community to better support young people and prevent them coming into contact with the criminal justice system.</i>	<ul style="list-style-type: none"> • What is the project? • What is the scope of the collaboration in the project – e.g. the whole of the project or particular aspects of the project? • What are the roles of the parties in the project? • Is there a lead party on the project? • What resources are the parties providing to the project - financial and non-financial? • How do the parties work collaboratively on the project – e.g. regular meetings and joint project activities? • What do the parties do if there are problems in the collaboration on the project? • Are there an intellectual property issues that need to be detailed – e.g. use of logos and project content?

<p>Promote activities of the other party</p>	<p><i>Small Town CLC Inc. is conducting a research project on the legal issues experienced by farming families affected by the drought. Helpful Community Organisation Inc. agrees to promote the research project and refer appropriate families to the project.</i></p>	<ul style="list-style-type: none"> • What form will the promotion take? • Will client information need to be shared? • Are there limits to the sharing of client information? • Can parties use each other's intellectual property – e.g. logo? • Are there any financial or non-financial benefits to be shared by the parties as a result of the activities?
<p>Refer clients to the other party</p>	<p><i>Small Town CLC Inc. and Helpful Community Organisation Inc. seek to form an effective warm referral pathway so that legal advice services are provided to community members who are financially disadvantaged.</i></p>	<ul style="list-style-type: none"> • How are appropriate clients identified by the parties – e.g. reference to client eligibility criteria? • Do referred clients receive any special treatment – e.g. priority appointments; reduced wait times? • What is the process of referring – e.g. a form needs to be filled in; or a particular position must be contacted; or the client is taken to the appointment? • What information is shared about the client – e.g. obtaining client's consent to make a referral; avoiding breaches of legal privilege and providing feedback about whether the referral was effective/appropriate? • What do the parties do if the referral process is not working?
<p>Jointly host events/workshops</p>	<p><i>Small Town CLC Inc. and Helpful Community Organisation Inc. agree to work together on increasing the safety of public space in Small Town by holding joint workshops across the region and making recommendations to the Small Town Council about policy reform.</i></p>	<ul style="list-style-type: none"> • What is the event or workshop? • What is the scope of the collaboration in the event – e.g. the whole of the event or particular aspects of the event? • What are the roles of the parties? • Is there a lead party? • What resources are the parties providing – financial or non-financial? • How do the parties work collaboratively on the event – e.g. regular meetings; joint activities; key contacts? • What do the parties do if there are any problems in the collaboration leading up to the event? • Are there any intellectual property issues that need to be detailed – e.g. is there equal ownership in the workshop intellectual property?

The term of the MOU

It should be clear when the MOU **starts and ends**. This may also include a **process for dissolving** the MOU.

Regular review dates and an agreed method of reviewing are important. Choose a review period that makes sense with the purpose of the collaboration. If the collaboration is project specific, then there might be key project milestones when review makes sense. If the collaboration is a longer term referral relationship, then a setting a regular review time, quarterly or twice a year might be appropriate, as well identifying that there might be events that trigger review – e.g. changes to funding.

The agreed roles of each organisation

The roles of each organisation can include:

- Each organisation's **legal responsibilities**;
- The **resource contributions** to be made by each party;
- **Tasks and timeframes**;
- **Limitation** to the collaboration e.g. conflict of interest.

The naming of a position (or person) in each organisation as a central point of contact

The **person or position named** will depend upon the nature of the collaborative relationship. For a project it may be the person responsible for carrying out the project. For a referral relationship it may be a position such as the Principal Solicitor.

A communication plan or dispute resolution procedure

This covers issues such as:

- **Handling complaints** which could be complaints of clients or complaints between the parties;
- Processes used to **resolve disputes** between the parties;
- Options for **discontinuing the collaboration** should disputes not get resolved.

Resources and intellectual property

Collaboration can break down when there is a **lack of clarity about the expectations** about how parties will provide and use resources, so it is important to establish this early. Resources can be financial and non-financial and can include intellectual property, such as organisational logos, educational or event content.

Sharing the MOU

Parties should give thought to and document whether the MOU can be **shared beyond the parties**, for example, as evidence of collaboration to funding bodies.

References

There are many great resources about collaborating and working together, some of which are listed below.

Not-for-profit Law, *Working with Other Organisations: Summary of legal issues to consider when working with other not-for-profit organisation*, June 2015

http://www.nfplaw.org.au/sites/default/files/media/Working_with_other_organisations_2.pdf.

Further information about working with other organisations can be found on Not-for-profit Law's Information Hub: <http://www.nfplaw.org.au/workingwithothers>.

Victorian Council of Social Service, *Partnering Guides* <http://vcoss.org.au/strong-sector/partnerships-decd/partnering-guides/>.

BNG NGO Services Online Tool 10.3: *Collaborative venture: Memorandum of Understanding* (CLCs will need to use the SPP login to access this document).