



Formalising and registering partnerships Procedure

1. Purpose

This procedure outlines the Department for Child Protection's (DCP) approach to formalising partnership Agreements and their registration on the DCP Partnership Agreement Register. This approach supports the many benefits of pursuing partnerships across the government and non-government sector to achieve the best outcomes for children and young people in contact with the child protection system.

The purpose of this procedure is to provide consistent guidance to DCP policy and project staff in developing and registering partnership agreements initiated by DCP. This is achieved with a standardised agreement template detailing common elements and essential activities undertaken by DCP and its partners. This approach ensures that all parties have clear expectations in the administration of agreements and in the delivery of agreed actions, ensuring governance structures, goals and objectives are clearly articulated.

Importantly, a departmental approach to formalising strategic agreements across government partnerships means that all partners are accountable, and agreements are set up for success with a focus on innovation, service improvement, and on the proactive pursuit of opportunities for children and young people in care and leaving care to reach their full potential. This document is complemented by the [DCP Agreement Template – MoU/MoAA](#).

2. Scope

This procedure applies to policy and project staff within DCP who are developing, executing or registering partnership agreements. This includes initiating new partnership agreements and renewing expired agreements. This procedure is not intended to provide guidance regarding undertaking activities relating to project management, procurement or service design, nor does it extend to operationalising partnership agreements.

DCP's policy position is that all new partnership agreements must be executed as either a:

- Memorandum of Understanding (MoU), or
- Memorandum of Administrative Arrangement (MoAA).

A partnership agreement is an agreement between DCP and one or more of the following:

- local, state or Commonwealth government department or agency
- non-government organisation
- philanthropic organisation
- corporate entity.

When any agreements that are currently documented in an alternate format expire, such as an operational protocol or letter of intent, they are to be reinstated as either a MoU or MoAA. There may be rare circumstances where there may be an exception to this policy position, in which case you will need to seek advice from DCP Legal Services at DCP.Legal@sa.gov.au.



In addition, this procedure does not apply to the following agreements:

- intended to be legally binding, or those used to formalise procurement processes
- Goods and Services Agreements
- Not for Profit Funded Services Agreements
- Purchase Orders
- Panel Deeds
- bespoke agreements drafted by Crown Solicitor's Office
- Data Sharing Agreements pursued under the *Public Sector (Data Sharing) Act 2016*
- National Disability Insurance Scheme (NDIS) client service agreements.

3. Authority

3.1 Legislative context

[Children and Young People \(Safety\) Act 2017](#) - The Act assists DCP in meeting its legislative requirements under section 14(1)(a), to promote a partnership approach between the Government, local government, non-government agencies and families.

[State Records Act 1997](#) - The Act sets out the requirements and responsibilities of agencies in the management of official records.

3.2 Whole of Government requirements

This procedure aligns with the 'Partnering together for better outcomes' focus in the whole of government child protection strategy, Safe and well: Supporting families, protecting children.

3.3 DCP requirements

Prior to the execution of a partnership agreement which involves the exchange of funds, advice must be sought from DCP Procurement and Contracting.

3.4 Principles

This procedure is supported by the principles of good record keeping including:

- information recorded will be factual, consistent and accurate
- information will be recorded and updated in a timely manner
- duplication of agreements will be avoided
- partnership agreements will be recorded, tracked and maintained to ensure a consistent approach to renewing, executing and or dissolving DCP partnership agreements
- DCP partnership agreements will be managed in corporate files within the department's records management system, the Digital Workspace. This ensures all official information is recorded and stored in accordance with the *State Records Act 1997*, DCP policies and guidelines.

4. Procedure requirements

4.1 Determine if you need an agreement

DCP has an established practice of storing and monitoring all strategic partnership agreements centrally using the Partnership Agreement Register, which is maintained by Strategy, Partnerships and Reform (SPR) directorate. To view the Partnership Agreement Register, please visit the [DCP intranet page](#): or contact SPR



at DCPCPDcentralbusinessunit@sa.gov.au.

To determine if an agreement is required, consider the following questions:

- Is there an existing agreement?
 - Review the DCP Partnership Agreement Register to ensure that a current agreement does not already exist, <https://dcpintranet.adds.cp.sa.gov.au/SitePages/mou.aspx>
 - If not, proceed to step 4.2.
- If there is an agreement:
 - determine whether the activities are covered by the existing agreement. If they are, make sure the existing agreement is still valid and not expired. If so, no action is required
 - if the activities are included in the existing agreement, but it has expired, proceed to step 4.2 to find the necessary documents to amend or renew
 - if the activity is not included in the existing agreement, consider expanding or amending the existing agreement, or if this is not possible proceed to step 4.2.

If unsure about whether a MoU or MoAA is appropriate, or whether a legally binding contract should be pursued, contact DCP Legal at DCP.Legal@sa.gov.au.

4.2 Determine agreement type

Once it has been determined that an agreement is required, determine what agreement is needed. There are many benefits to formalising a partnership with a MoU or MoAA type agreement. A MoU or MoAA is an official document that shows the willingness of each party to take action to meet a mutually agreed goal. It provides a more formal agreement than a verbal commitment or an email exchange and is a good option for when there is no need to pursue a legally binding contract.

If the intent is to enter into a partnership with an entity that has agreed to provide a service to children and young people in care, and this is a negotiation resulting from good will rather than being a legal obligation or a fee for service arrangement, document this as a MoU or MoAA.

There are two approved formats to document an agreement in DCP:

- a MoU, which describes a very broad concept of mutual understanding, goals and plans shared by the parties
- a MoAA, which describes in detail the specific responsibilities of, and actions to be taken by, each of the parties.

Both a MoU and MoAA include the same headings. Neither are legally binding. The key difference is the level of detail under each heading.

Consider a MoU if:

- the intent is to document the high level relationship between parties
- the partnership is new, or is with a non-government organisation
- existing resources will be used to implement the agreement
- to document the broad goals intended to be achieved.

Consider a MoAA if:

- the intent is to document the discrete activities each party will undertake
- there is an existing partnership, or it is with a government agency
- new or substantial resources are required to implement the agreement



- there are specific outcomes required to be achieved.

There are no explicit rules on when to use one agreement over the other. All parties are encouraged to consider the level of detail they wish to be captured in the agreement. Remember that a MoU or MoAA may be supplemented with additional documents, where more information is required but it is not appropriate to include this in the agreement.

Consider if an Aboriginal Impact Statement is required pursuant to approval requirements. Contact the Aboriginal Practice Directorate at DCPAboriginalPracticeDirectorate@sa.gov.au if you have any questions relating to the Aboriginal Impact Statement requirements or process.

Where the agreement has funding implications, seek advice from DCP Procurement at DCPProcurement@sa.gov.au.

Additionally, any staffing implications need to be discussed with DCP Human Resources at DCPHRAdmin@sa.gov.au.

Expiring agreements that are documented in an alternate format, such as an operational protocol or letter of intent, must be reinstated as either a MoU or MoAA.

4.3 Draft the agreement

Once the preferred agreement type has been determined, commence drafting the agreement. All agreements must be completed using the [DCP Agreement Template – MoU/ MoAA](#), which includes guiding text and examples under each heading.

All agreements, whether they are documented as either a MoU or MoAA, must include:

- a clear and active governance structure to provide oversight and reaffirm ownership of the agreement at executive, policy and operational levels, where applicable
- a formalised escalation pathway in order to identify and resolve individual and systemic matters between parties
- a planned approach to data collection and reporting to track outcomes and support forward planning and a shared understanding of emerging trends
- regular review of the strategic partnership and a 12-monthly plan of action to plan for success and to identify new opportunities.

When drafting an agreement, it is important to consider how the agreement will be operationalised by departmental staff. Consider if staff will require guidance, training or communication to support them in meeting the agreement's obligations. Contact the Operational Policy team via DCPPolicyTeam@sa.gov.au for support with preparing guidance for departmental staff.

Consideration must also be given to ensure the new agreement meets requirements as outlined in the *Children and Young People (Safety) Act 2017*. This includes referencing the most relevant legislation and related sections of it, adhering to current departmental naming conventions, and ensuring that reviews of new agreements include updated language and terminology. Contact DCPCPDcentralBusinessUnit@sa.gov.au should you have any queries in drafting your agreement. It is also important that you consult with any areas of the department who may have an interest in, or may be impacted by, the agreement.

It is important to share a draft copy of the agreement with all parties for their input and feedback. Make sure this has a 'draft' watermark and complies with the [DCP Information Classification and Handling Procedure](#).



In the development of an agreement, it is important to reflect on how the agreement may impact on Aboriginal and Torres Strait Islander infants, children, young people and their families. Consultation may be sought via a range of Aboriginal and Torres Strait Islander stakeholders. The Aboriginal Practice Directorate Policy and Practice Thinking Circle is one of the options for consultation.

For agreements that require an Aboriginal Impact Statement for their approval, consultation should occur early in the development and before Aboriginal Impact Statement approval is sought.

For further information please see the Aboriginal Impact Statement Procedure or contact the Aboriginal Practice Directorate via DCPAboriginalPracticeDirectorate@sa.gov.au.

4.4 Execute the agreement

Once the agreement has been drafted, and all parties are satisfied with the content, including an Aboriginal Impact Statement if required, a briefing must be submitted using the Digital Workspace to the DCP Chief Executive requesting approval and digital signing of all relevant documents using DocuSign. If this is not possible, request that these documents be signed in hardcopy. Note that two signed copies of the agreement are required (or one copy per signatory, if more than two parties are involved). Ensure that this detail is specified in the briefing.

As part of this process, draft a [letter](#) from the DCP Chief Executive to each of the signatories, requesting this be signed, with instructions to sign and return the agreement. See Appendix 1 for an example. Once the DCP Chief Executive has approved the briefing and [letter](#) and has provided a digital signature, or alternatively, there are two (or more, as required) signed hard copies of the agreement along with a signed copy of the [letter](#) to signatories, arrange for the agreement to be signed by signatories. This can occur via email, where a digital signature is requested via DocuSign, or via a return courier with all relevant documents and instructions enclosed.

Where the documents are signed in hard copy, one original copy will remain with each of the signatories. DCP's returned signed copy can be scanned and electronically uploaded to the relevant corporate file in the department's records management system, the Digital Workspace. The original signed hard copy documents will be managed in the corresponding physical file and will be archived by the Information Governance Team when required. If the partnership agreement is subject to procurement approval the hard copy signed partnership agreement will be stored within a corporate procurement file by Procurement and Contracting.

SPR is responsible for registering all new partnership agreements and variations to partnership agreements on to the DCP Partnership Agreements Register. Any new or varied partnership agreements must be communicated to DCPCPDcentralBusinessUnit@sa.gov.au. This communication should include a PDF copy of the executed agreement and advice whether the agreement should be published to the DCP intranet.

When determining if an agreement should be published to the DCP intranet, staff must adhere to Department of the Premier and Cabinet Circular PC02727: Disclosure of Government Contracts. <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars/DPC-Circular-Disclosure-of-Government-Contracts.pdf>.

For all partnership agreements approved for publication to the DCP intranet, SPR will provide a copy of the executed agreement to Communications, Media and Engagement who will upload the agreement to the [DCP intranet](#).



4.5 Monitor, refresh or cease the agreement

All agreements must be reviewed annually, irrespective of their term. This provides an opportunity to make amendments as a result of learnings obtained through trends in the matters that are escalated and in data collection. It also allows parties to identify areas of action for the following 12 months, ensuring a focus beyond operational day-to-day duties. If appropriate, capture actions in a separate document and attach this as an appendix.

Where the agreement is nearing the end of its term, the DCP nominated contact officer should seek executive approval to re-engage all parties and relevant stakeholders to consider the agreement's effectiveness and whether it has been successful in meeting intended outcomes. This should occur at least six months prior to the expiration of the agreement. Agreements should not be reinstated without undertaking this consultation and review.

Agreements may cease at the end of their term, or in agreement by either or all parties at any time. See example language in the DCP Agreement Template – MoU MoAA. Cessation may be required where the partnership is time limited (for example, for a pilot initiative), where there is a machinery of government change, a change in strategic priorities, or where it is identified that another agreement is more appropriate (for example, a legally binding or other contractual arrangement). In some cases, you might cease the agreement where the intent of the partnership is not being upheld.

SPR will email the DCP Partnership Agreement Register on a six-monthly basis to the DCP nominated contact person who is responsible for the initiation, review and execution of a partnership agreement between DCP and other stakeholders seeking advice of the status. This will ensure that the DCP Partnership Agreement Register and intranet page remain current.

4.6 Archiving of partnership agreements

All DCP partnership agreements available on the intranet that have been superseded or dissolved by the Department will be electronically archived. Access to these agreements via the DCP agreements intranet page will be granted to employees for a one-year period from the date advised by the responsible person/s.

The official information (in physical and digital format) will be retained in a corporate file, in accordance with the [State Records Act 1997](#), DCP policies and guidelines. Files created in the Digital Workspace ensures the information is registered, easier to track and locate.

5. Compliance, monitoring and evaluation

As part of the Policy Governance Framework, this procedure will be reviewed and updated by SPR in accordance with the review date shown at 'Document Control.'

On a six-monthly basis, SPR will provide a detailed list to the Senior Executive Group (SEG) for noting the current status of all DCP partnership agreements, highlighting those that are due to expire in the next six months.



6. Related documents

Related documents, forms and templates
DCP Agreement Template – MoU/ MoAA
DCP Letter to partnership agreement signatories Template
DCP Partnership Agreement Register - https://dcpintranet.adds.cp.sa.gov.au/SitePages/mou.aspx

Document control

Reference No./ File No.			
Document Owner		Lead Writer (position)	
Directorate/Unit: Strategy, Partnerships and Reform		Project Officer, Strategy, Partnerships and Reform	
Accountable Director: Director, Strategy, Partnerships and Reform			
Commencement date	10 September 2024	Review date	2 August 2027
Risk rating	Consequence Rating	Likelihood	Risk Rating
Risk Assessment Matrix	Minor	Minor	Low

REVISION RECORD		
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2 July 2021	V1.0	Final
24 May 2023	V1.1	Minor updates to the Procedure including changing references to Commissioning, Performance and Disability (CPD) to Strategy, Partnerships and Reform (SPR).
27 September 2023	V1.2	Minor updates to the Procedure including reference to the <i>Children and Young People (Safety) Act 2017</i> .
2 August 2024	V2.0	Review as per the DCP policy review cycle.