



# MEMORANDUM OF UNDERSTANDING Policy & Procedure

<b>QA REFERENCE</b>	M't P&P No 18
<b>INTRODUCED</b>	17 <sup>th</sup> October 2012
<b>LAST REVIEWED</b>	15 <sup>th</sup> September 2020
<b>NEXT REVIEWED</b>	15 <sup>th</sup> September 2023
<b>RESPONSIBILITY</b>	The OLG led by the Manager Performance and Risk is responsible for the review and currency of this policy and associated procedures.
<b>APPROVED</b>	Approved by the Chief Executive Officer on 15 <sup>th</sup> September 2020
<b>ENDORSED</b>	Endorsed by the Operational Leadership Group on 15 <sup>th</sup> September 2020
<b>RATIFIED</b>	Ratified by the Board of Directors by resolution at a meeting of the Board on [insert date]  This policy is valid from the date of introduction and remains in force, as amended from time to time, until such time as formally revoked by resolution at a meeting of the Board of Directors.
<b>REFERENCES</b>	
<b>Related Legislative Acts and other sources of Authority</b>	<ul style="list-style-type: none"> <li>• Privacy Act 1988 (Cth)</li> <li>• Privacy and Data Protection Act 2014 (Vic)</li> <li>• Housing Act 1983 (Vic) Part VIIIA – Social Housing</li> <li>• Disability Discrimination Act, 1992 (Cth)</li> <li>• Equal Opportunity Act, 2010 (Vic)</li> <li>• Human Rights and Equal Opportunity Commission Act, 1986 (Cth)</li> <li>• Information Privacy Act, 2000 (Vic)</li> <li>• Workplace Relations Act, 1996 (Cth)</li> </ul>
<b>Related Standards, Guidelines and other References</b>	<ul style="list-style-type: none"> <li>• Human Services Standards</li> <li>• Child Safe Standards</li> <li>• Guidelines for Registered Housing Agencies published by DHHS</li> <li>• Australian Standard 8000-2003 Principles of Good Governance</li> <li>• Risk Management Standard ISO 31000:2018</li> <li>• Victorian Equal Opportunity and Human Rights Commission</li> <li>• Victims of Crime support</li> <li>• Commonwealth Ombudsman</li> <li>• Office of the Disability Services Commissioner</li> </ul>
<b>Related MASP Policy and Procedure Documents</b>	<ul style="list-style-type: none"> <li>• <u><a href="#">Child Safe – M't P&amp;P No 22</a></u></li> <li>• <u><a href="#">Clients at Risk and our Duty of Care - CWG P&amp;P No 02</a></u></li> <li>• <u><a href="#">Conflict of Interest - HRM P&amp;P No 28</a></u></li> <li>• <u><a href="#">Conflict of Interest NDIS - CWG P&amp;P No 05</a></u></li> <li>• <u><a href="#">Privacy and Confidentiality - M't P&amp;P No 16</a></u></li> <li>• <u><a href="#">Privacy and Information Security - M't P&amp;P No 39</a></u></li> </ul>

<b>Related MASP Instructions and Guidelines</b>	<ul style="list-style-type: none"> <li>• Nil noted</li> </ul>
<b>Related MASP Forms and Templates</b>	<ul style="list-style-type: none"> <li>• Memorandum of Understanding MASP Template – M't F&amp;T No 12</li> <li>• <a href="https://www.wonder.legal/au/creation-modele/memorandum-understanding">https://www.wonder.legal/au/creation-modele/memorandum-understanding</a> - link to other MoU templates</li> </ul>
<b>ACRONYMS/DEFINITIONS</b>	
<ul style="list-style-type: none"> <li>• MASP</li> <li>• OLG</li> <li>• MOU</li> </ul>	<ul style="list-style-type: none"> <li>• Mallee Accommodation and Support Program Ltd</li> <li>• Operational Leadership Group</li> <li>• Memorandum of Understanding is for use between two or more parties which are interested in working together on a particular project. It is intended as a starting point for the parties, as it enables them to set out the preliminary understanding between one another, and can help them to work towards a more formal agreement.</li> </ul>

## SCOPE

This policy applies to board directors and all staff, including: managers and supervisors; full-time, part-time or casual, temporary or permanent.

## POLICY

MASP seeks to have strong collaborative working relationships with other agencies in the Sunraysia area, and agencies at regional and state level in order to facilitate

- better service to clients through more seamless integration of services;
- reduction in providing repetitive information;
- an auspice for joint programs;
- administration and other support sharing;
- cooperation in service development activities;
- appropriate participation in network meeting;
- cross training activities;
- support and advocacy for other services where appropriate.

It is MASP's policy when forging these collaborative partnerships and developing mutually helpful service arrangements, to document any agreements about its relationship with other agencies in a Memorandum of Understanding (MoU).

MoU's document agreed relationships, mutual roles and responsibilities and the timing, place and nature of action. They complement positive staff liaison and prior verbal agreement.

An MoU is a document describing a bilateral or multilateral agreement between parties. It expresses a convergence of will between the parties intending a common line of action. It is used where the parties either do not want a legally enforceable agreement or cannot create a legally enforceable agreement.

MASP does not intend that it's MoUs are legally binding, rather, they document agreement on roles, responsibilities, practices and procedures which is meant to facilitate action by all parties, which will ultimately benefit our clients.

An MoU can be developed at any point in a relationship with another agency but it is most important to give consideration to documentation when client service is dependent (and vulnerable) to provision of agreed mutual action between two services.

### **Contractual Arrangements**

Contractual arrangements are set down in writing by funding and legislative bodies and are legally binding. This also includes private companies contracted to provide services such as IT, cleaning and security services. MASP keeps copies of all its contractual/funding agreements in the corporate filing system and/or on the company drive under "Management".

### **Verbal Agreement and Understanding**

In many working relationships the aim and means of collaboration will be implicit and passed on through word of mouth or through verbal "understanding" between officers. Such arrangements can be unreliable when officers leave the service and others come into their positions without the same "understanding".

In times of crisis, verbal agreements and "understandings" are also vulnerable as the understanding of agreed roles and responsibilities by one worker may be very different to the understanding of another. For these reasons it is necessary to document important aspects of the relationship between agencies to ensure that all possibilities are covered. Such a position encourages accountability.

### **Written Memorandum of Understanding**

The third alternative after a legally binding contractual funding and service agreement and a verbal understanding or agreement is the written MOU. This is a written document which is not legally binding yet clearly identifies aspects of a relationship that all parties can be aware of irrespective of the memories of individual officers.

## **PROCEDURES**

### **Template**

To assist staff and managers prepare an MOU, a template has been developed. This template should be used flexibly not strictly. A link to the fillable form is available in the table above. It includes prompts and suggested words to use. Variations to specifics can be made according to the circumstances of the agreement.

The headings for the template are as follows. This template will be reviewed periodically.

- 1. Purpose**
- 2. Programs and services offered (by both or multiple) agencies**
- 3. Areas of common operations**
- 4. Areas for cooperation and support**
  - 4.1** Referral of clients for services, including protocols, times, contact details, responsiveness quality standard required
  - 4.2** Secondary consultation
  - 4.3** Training in basic (agency area of expertise) identification skills
  - 4.4** Other training assistance
  - 4.5** Participation of clients in other programs for which each agency is funded.
  - 4.6** Information exchange/informal meetings (between staff)
- 5. Disputes between staff of both agencies**
- 6. Disputes in relation to the agreements set out in this MOU**

## **7. Annual review of MOU**

## **8. Sign Off**

### **Appropriate Targets for MoU's**

Each program area or service will need to make its own assessment of important agencies with whom it collaborates or shares client responsibilities. MASP Operational Leadership and the Board of Directors will also seek to nominate critical agencies in the Housing Access, Inclusive Communities, Support and Transition, Residential Care and the Orange Door areas with whom it wishes to prioritise MoU development.

Agencies dealing with indigenous clients such as MDAS and CHAC as well as those dealing with clients from CALD backgrounds such as SMECC, would take priority owing to importance placed on them by the various accreditation standards. Other agencies with responsibilities across a wide variety of client groups, such as Centacare, Sunraysia Community Health Services and Mallee Family Care, may also be important priorities for discussion of more formalised and documented relationships.

### **Sign Off**

The responsible person for sign off is the Chief Executive Officer on MoUs usually negotiated by members of the Operational Leadership Group and/or Team Leaders. The CEO should always be consulted for approval to start development of any MoU so that any parameters or boundaries can be determined beforehand.