# Frequently Asked Questions about a Memorandum of Understanding

**Purpose of this document**

Part of the remit of the CREATE Project is to provide tools for organisations involved in adult education initiatives to support innovation and best practice. It is best practice when an organisation or an individual is entering into an agreement that each organisation or individual is clear about what they are committing to and what they can expect from others involved in that agreement. A Memorandum of Understanding sets this out.

The CREATE project has developed a template Memorandum of Understanding for use by organisations and individuals collaborating in delivering adult education programmes and initiatives. The purpose of this template is to provide guidance and good practice for organisations who wish to cooperate/collaborate to further adult education programmes.

**What is a Memorandum of Understanding (or MoU)?**

A MoU is a document that outlines the major aspects of an agreement between two or more partners and ensures that each party in the agreement is clear about their responsibilities.

The MoU document is usually a few pages long divided into headings and sets out the parameters for organisations working together.

A Memorandum of Understanding is not legally binding. This means that, although it gives certain details about what was agreed between two or more parties, the parties are not obliged to carry through on this agreement. A MoU is not a contract; a contract, when agreed correctly, is legally binding, the means that the parties must act in a certain way (for example, pay for goods received) otherwise they are in breach of a contract. Often, an MOU provides the basis for a contract.

**What is covered in a Memorandum of Understanding?**

A Memorandum of Understanding can cover many different aspects of an agreement between partners. Items covered can include any or all of the following: Introduction, Purpose, Scope, Background, Guiding Principles, Communication, Responsibilities, how to terminate or modify this agreement, Term and timings of the agreement, funding, data protection responsibilities and so on. It is up to the partners to agree which titles are most suitable for inclusion

**What are the benefits of having an MoU?**

A MoU indicates that project partners wish to work together to achieve a mutually beneficial goal. It also indicates how each partner expects to achieve this goal and how much time effort and resources an organisation is willing to give to achieve this goal.

A MoU can be informal and is resource efficient in that it avoids misunderstandings at an early stage in project implementation.

**Are there disadvantages in using an MoU?**

As stated a MoU is not legally binding (or enforceable) this means that should a disagreement arise in relation to a project the MoU can be referred to but cannot ensure that each party abides by what has been agreed in the MoU.

**When should you develop a MoU?**

A MoU should be developed before a project is implemented and it should be developed as part of the planning process.

**What kind of language should you use in developing a MoU?**

It is important that all parties involved in the MoU understand what their responsibilities are for any programme in which they have an involvement. When developing an MoU the language that is used should be clear, should use the active voice and should be succinct. Language used should avoid the use of negative language, colloquial terms and run on expressions (for example, etc. and so on).