

Community Right to Challenge

Why a Community Right to Challenge?

- Public bodies already contract out services – local government spends £42 billion a year on contracts for goods and services.
- Diversifying service provision, and improving innovation and responsiveness is a key theme of the forthcoming White Paper on public service reform.
- Many public bodies already make good use of the talents of voluntary and community bodies, but in some areas good ideas fall on deaf ears – only 2% of spend on public services goes to these bodies.
- The Right hands the **initiative** to communities with good ideas about how services can be run differently or better, ensures these ideas get a **fair hearing**, and gives them the **time** they may need to prepare effective bids to run the service.
- The Modernising Commissioning Green Paper sought views on resolving some of the barriers to participation in public service delivery by these groups.

Offers not only an efficient waste collection service, but also social, economic and environmental benefits ...



Prioritises reuse and recycling – 65% of the furniture and white goods it collects - saving the council £££ on landfill tax



Has helped over 30,000 low-income families access affordable, 'pre-loved' furniture since 2000



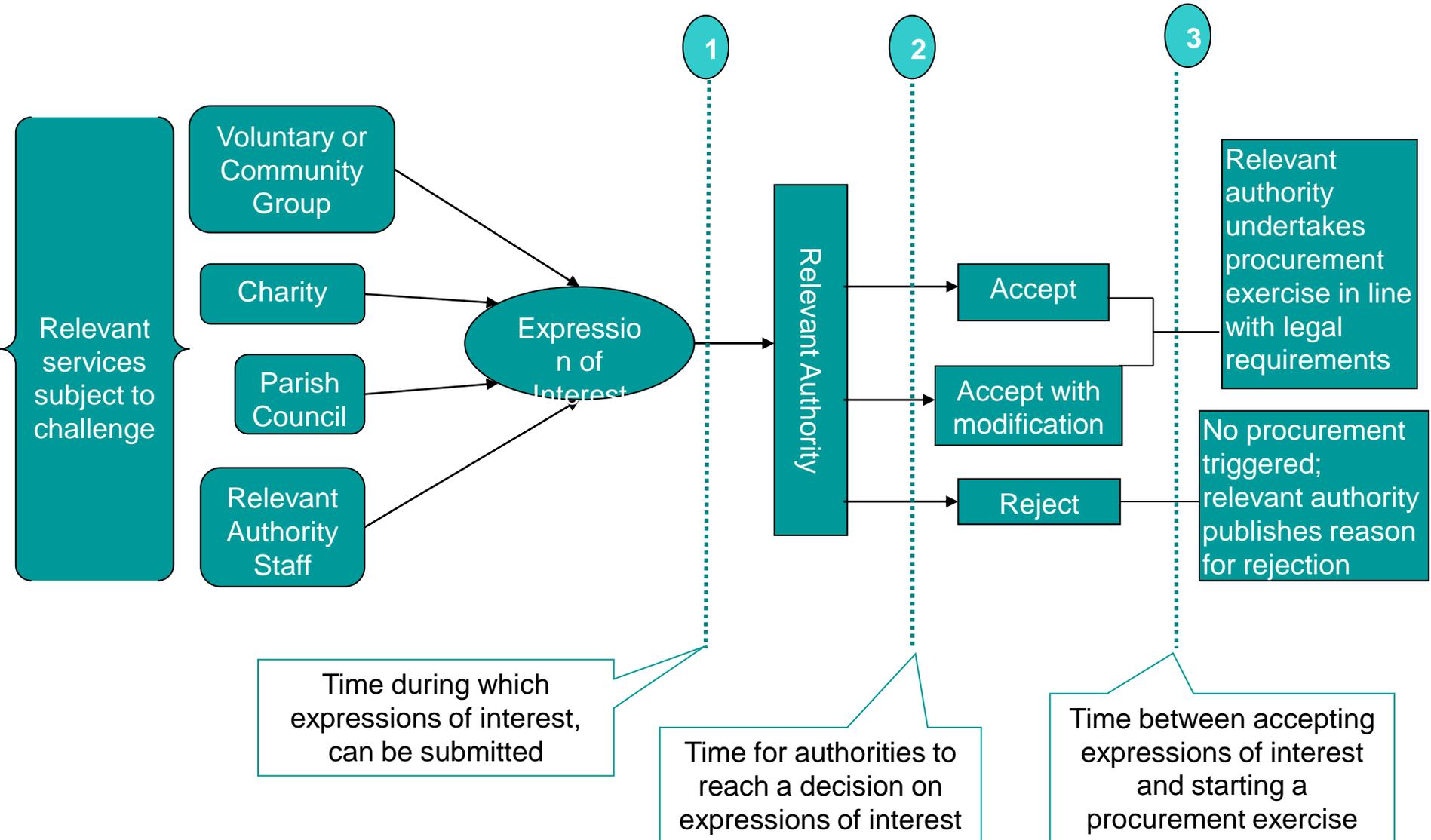
Runs programmes to enable long term unemployed people gain skills and experience for a future career in logistics, recycling, warehouse and distribution



Since 2000 an average of 80% of trainees have gone into sustainable employment at the end of the programme



How will the Right work?



Relevant authorities and services

- The Bill applies the Right to services for which county and district councils and London boroughs are responsible, with powers to both exclude services, and extend the Right to other public bodies.
- There are some cases where existing statute precludes services being contracted out, and there may be other reasons for services being excluded.
- **Are there any services that should be excluded from the Right?**
- **What other public bodies should the Right be extended to?**

- The Bill enables voluntary and community bodies, parish councils and employees of the authority to submit an expression of interest.
- The definition of voluntary and community bodies seeks to catch bodies which are not part of the state and not for profit, or whose activities are primarily for the benefit of the community.
- The Bill provides powers to amend the definition of relevant body and voluntary and community body to ensure it remains flexible to adapt to changing circumstances
- **Are there any bodies the definition might inadvertently catch or exclude?**

Information in an expression of interest

- The Bill includes a power to specify in regulations the information that must be included in an expression of interest.
- We need to strike a balance between ensuring authorities have enough information to take a decision and not putting a disproportionate burden on relevant bodies.
- We are proposing the following:
 - Details of the relevant body;
 - Details of the service/s to which the expression of interest relates;
 - Details of the outcomes to be achieved;
 - The relevant body's case for providing the service/s;
 - Details of the relevant body's financial situation;
 - The relevant body's case that it will be able to participate in a procurement exercise for the service/s;
 - The relevant body's case that it is capable of providing the service/s.
- **Is there any information that should be added or deleted?**

Grounds to reject an Expression of Interest

- The Bill says that an expression of interest can only be rejected on grounds set out in regulations.
- We are proposing the following:
 - The relevant service is excluded from the Right;
 - The expression of interest is submitted outside of a window specified by the authority, or the service is already contracted out;
 - The expression of interest does not contain all the required information;
 - The relevant body is not capable of providing the service;
 - The relevant body is not otherwise a suitable person to provide the service;
 - The Expression of Interest is frivolous or vexatious;
 - The service has been stopped/de-commissioned;
 - Acceptance of the Expression of Interest could mean the authority would not comply with the best value duty;
 - Another expression of interest has been accepted.
- **Are there any grounds that should be added or deleted?**

- The Bill enables us to specify in regulations:
 - minimum periods during which expressions of interest can be submitted for particular services;
 - the period within which an authority must notify a relevant body of its decision on an expression of interest
 - minimum and maximum periods between an expression of interest being accepted and a procurement exercise starting.
- **What might appropriate periods for these timescales be?**

- The Bill includes a power to make regulations on other issues and requires a relevant authority to have regard to any guidance issued by the Secretary of State.
- **Are there any other issues which it would be useful to cover in regulations or guidance?**
- **What support should be made available to help relevant bodies and authorities, and others understand and exercise the right?**