"Community Right to Challenge" Process

Appendix 2

1	Expression of Interest (EOI) submitted to the Council by an eligible body, via a corporate "Community Right to Challenge" email address, within the 'window' set by the Council. Procurement checks the in-box, logs details of the EOIs received, sends acknowledgement to eligible body, and sends to relevant Head of Service for service impacted. Head of Service conducts an initial assessment of the EOI. If the EOI is frivolous, or vexatious, the eligible body is informed that no further action is to be taken. If the review is not considered to be either frivolous, or vexatious.	Eligible bodies include voluntary and community groups, charities, parish councils, and relevant Local Authority staff. Regulations will identify which services are affected, but most will be included. This includes both in-house services, and services which are currently contracted to an external provider. EOIs could be for a whole service, of for elements of an existing service. What should be included in the EOI is to an extent within the remit of the Local Authority, but DCLG policy statement sets out areas for inclusion: details of the relevant body; their financial situation; the service which they wish to challenge; their ability to take part in a procurement exercise; capability of delivering the service; and out-comes to be achieved, and improvements for users.	June to July
2	Council Officers Panel assess the EOI against agreed criteria.	Refusal of EOI only permissible on grounds set out by the Secretary of State. DCLG policy statements set out some grounds for refusal, but these will be confirmed / defined by regulations. Proposed grounds include: - the relevant body is not suitable to provide the relevant service; - the service is exempt from the Right, and, therefore, is not a relevant service; - the service has been stopped, or de-commissioned, or a decision has been taken to do this; - the EOI is submitted out-side a period specified by the authority during which they can be submitted; - the relevant service is already the subject of a procurement exercise or negotiations for a service agreement; and - the EOI is frivolous, or vexatious.	October
3	Update/Consultation/advice is given to the Portfolio Holder Report taken to the SMT with summary recommendations on the course of action which should be taken in response to the EOI's	Initial proposal that EOI's reviewed by small panel of officers within a recommendation going to the relevant Director. In the case of more significant EOI's by value, complexity, service risk or employees impacted these would go to SMT	
4	Head of Service report to SMT on more complex EOI's and to Cabinet if Key Decision.	Time-scales need to reflect draft report dead-lines, final report dead-lines, Member briefings, et c.	Dec to Jan
5	Decision taken by Cabinet where key decision with involvement of Scrutiny Committee if appropriate Reject challenge. Accept challenge with modification Accept EOI / Challenge.	In practice, there is limited scope for discretion in decision-making here, so the report needs to set out clear recommendations based on the criteria used to assess the project, and what the potential risks / implications are of taking a particular decision.	January
6	No such procurement exercise required Council publishes reason for rejection The Council conducts a standard procurement exercise including advertising requirement. OJEU notices issued by Procurement and tender specifications documents are drafted	The organisation / body which submitted the EOI would be eligible to tender for the service, but it would be an open procurement exercise in which any organisation could tender, regardless of their legal form, their size, or where they are based. In the case of a bid by the current internal Council team currently providing the service this tender would need to be evaluated against other bids	January to March
7	Procurement processes is conducted	At the end of the procurement process, the Council would have to make a decision regarding which contractor to appoint based on the criteria in the tender specification.	April onwards Year 2