

Community Right to Challenge

Background

Community Right to Challenge came into force on the 27 June 2012. Under the Right, Northumberland County Council must consider expressions of interest in providing a service, and where they accept an expression of interest, they must carry out a procurement exercise for the service.

Northumberland County Council Process

Northumberland County Council has made the decision not to restrict the time frame by which interested bodies can lodge an expression of interest. To this end expressions of interest can be submitted to the Commercial and Procurement Service Manager at any time throughout the year. To ensure the authority has the appropriate information to make a decision, expressions should be made using the [Community Right to Challenge Application Form](#).

The flowchart below illustrates the process the authority will go through to assess each application.

Successful Expressions of Interest

Once the authority accepts an expression of interest for a relevant service, this will trigger a full procurement exercise, which will be carried out in accordance with the authorities existing procurement procedure and in line with procurement law. It is worth highlighting that once a service is subject to a full procurement exercise, then the opportunity to bid for the service is opened up to all organisations (including the private sector).

Unsuccessful Expressions of Interest

An expression of interest can be rejected, but only on the grounds set out in the regulations. In summary, grounds for refusal may be:

- Failure to comply with the statutory requirements
- A material inadequacy or inaccuracy in the information provided
- Unsuitability of the organisation or any of its partners or sub-contractors
- A decision to stop providing the service has already been made
- The service is one provided to people who are also in receipt of NHS services in an integrated package and a continuation of the service is critical to their well being
- A procurement exercise is already underway
- Negotiations to provide the service are already underway, in writing, with a third party
- Notice has already been given that the authority is considering a proposal for the service from its employees
- The expression of interest is frivolous or vexatious
- Acceptance is likely to breach another legal obligation

Were an expression of interest has been unsuccessful Northumberland County Council will write to the applicant explaining under what grounds the application was rejected.

Key Contact

If you have any questions or would like to discuss your 'expression of interest' with Northumberland County Council then please contact Lee Jackson the Commercial and Procurement Services Manager on:

Lee Jackson
Commercial and Procurement Services Manager
Local Services
County Hall
Morpeth
NE61 2EF

Telephone Number: 01670 622650

E-mail: Lee.Jackson@Northumberland.gov.uk

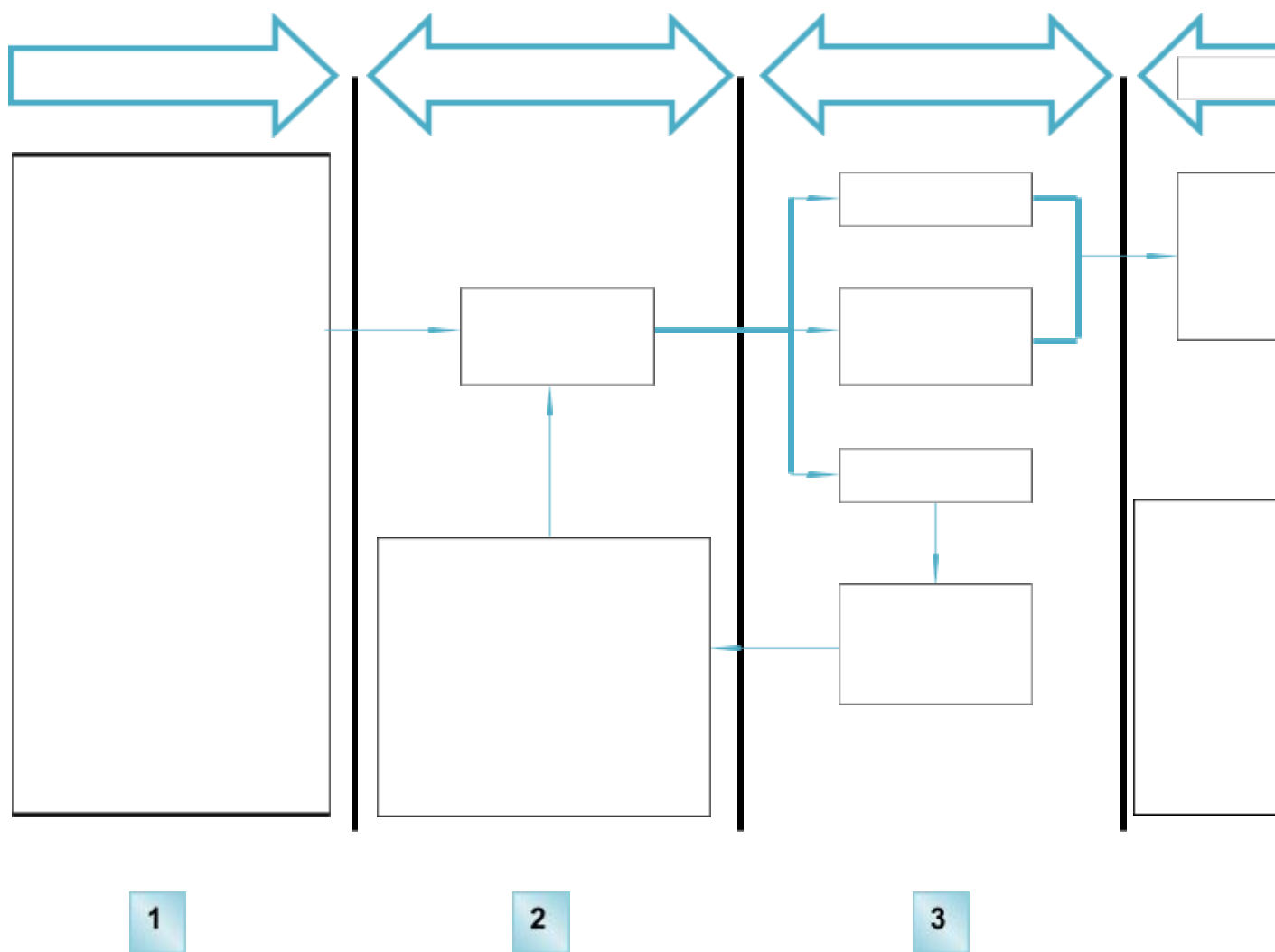
Useful Documents:

Localism Act

Community Right to Challenge Statutory Guidance

Community Right to Challenge - Expression of Interest Application Form

Northumberland County Council Community Right to Challenge Process



Community Right to Challenge Process Explained

The community right to challenge process can be broken down into five distinct parts (as illustrated by the table above):

1. Preparation
2. Expression of Interest Phase
3. Decision Phase
4. Pre procurement Phase
5. Procurement Phase

The following section is a step by step guide to each of the five parts:

1. Preparation

All organisations that are interested in putting in an 'expression of interest' to run a service are asked to contact us to have informal discussions on service delivery and improvement. These discussions should help interested parties determine whether submitting an expression of interest is the most appropriate course of action.

An open dialogue with the authority will also help facilitate the sharing of information about the service which will be necessary in determining whether from a financial stand point it make economic sense in terms of potentially taking over the running of a service.





It is also worth reiterating that having an expression of interest accepted does not mean that the applicant will take over the running of the service. The result will be that the service will be put out to tender on the open market, in line with Northumberland County Council procurement procedures.

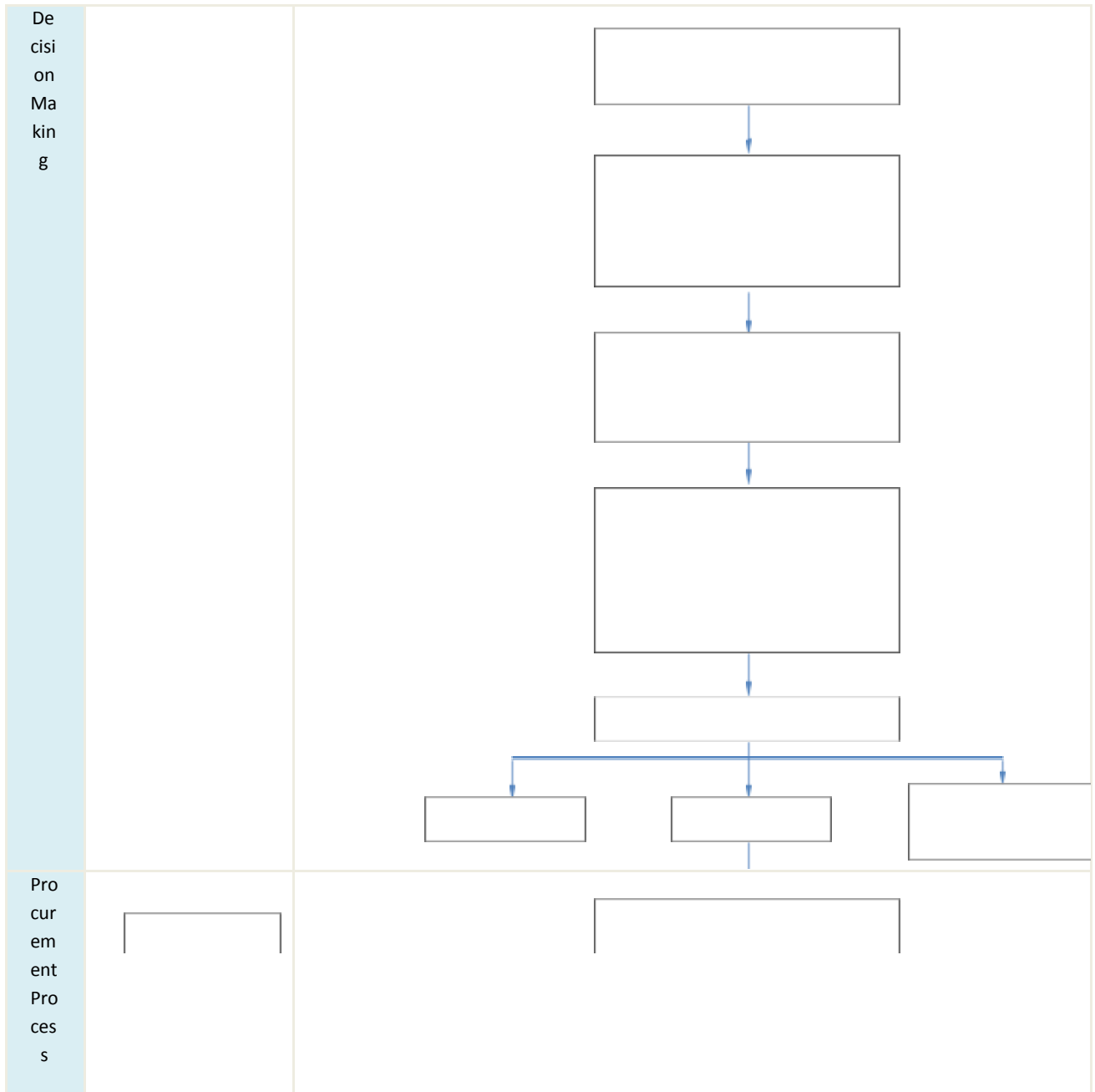
2. Expression of Interest Phase

In order to register an 'expression of interest' an applicant must be either a community or voluntary body, an organisations set up solely for charitable purposes, a parish or town councils, or two or more employees of the local authority. For further information on the eligibility of your organisation to register an 'expression of interest' please refer to the government publication entitled [Community Right to Challenge Statutory Guidance](#).

Any parties interested in lodging an 'expression of interest in providing or assisting in the provision of a service, must complete the [Community Right to Challenge Application Form](#). All section of the application form must be complete and appropriate evidence supplied to support the application.

3.

	Applicant	Community Right to Challenge Decision Making Process
Engagement with relevant bodies	<p>Relevant bodies are encouraged to make contact with authority to discuss any interest in services</p>	
Receipt and acknowledgment		
Setting of decision timescales		



4. Pre-Procurement Phase

Please refer to Northumberland County Council procurement strategy.

5. Procurement Phase

Please refer to Northumberland County Council procurement strategy.