

Community Right to Challenge

An update on the policy position

The Community Right to Challenge provisions in Chapter 3 of the Localism Act came into force on 27 June 2012.

Since the Right to Challenge commenced last year we have been informally monitoring its impact. Take up of the right by communities has been lower than predictions in the impact assessment.

The Community Right to Challenge support programme (which helps communities that want to use the Right or to bid to run local services) has experienced high levels of initial enquiries (3490) and have supported 245 organisations to develop Expressions of Interest (EOIs) under the Right or to develop their plans to bid for contracts. Exact numbers of EOIs are difficult to track as local authorities are not required to publish this data. From soft intelligence, and reporting under our support contract, we know of around 25 EOIs which have been submitted. Some of these are under consideration and we know of two which have been accepted. We have awarded £1,926,698 in grants to support communities to undertake feasibility work and capital to support service delivery.

Rejection reasons for expressions of interest to date (where we know that an EOI has been rejected) are as follows

- 5 - Inadequate or inaccurate information.
- 1 - Service is ineligible (NHS-related and critical to wellbeing).
- 1 - EOI did not comply with the Act or Regulations.
- 0 - EOI is vexatious.
- 0 - Proposal would lead to legal or statutory breach.
- 0 - Eligible body lacks capacity to deliver.
- 0 - Service is being decommissioned.
- 0 - Service is already being redesigned.
- 0 - Service is already subject to commissioning negotiations with a third party.
- 0 - Service is already subject to discussions with a potential Spin-out group.
- 2 - The remaining two rejections were effectively stalled by the local authority, and dialogue is ongoing in each case.

In the main, both the VCS and LAs wish to avoid use of the right. For LAs, this is sometimes for ideological reasons, but even broadly supportive authorities have concerns over service fragmentation. The VCS, meanwhile, wishes to avoid damaging relationships (and, by implication the chances of winning future contracts). Many conversations over the feasibility of proposals therefore happen more informally.

Success of the right to challenge therefore needs to be measured as much in terms of cultural / behavioural change measures i.e. are LAs more willing to

open up services to local groups than before? . From our conversations with local authorities and community groups:

- a. We know that there is good awareness of the right among VCS and Parishes (e.g. in a survey of around 700 Parishes, only 6% hadn't heard of the right). The survey also highlighted that 10% are considering or are in negotiations to take on a service or function (not necessarily using the right to challenge).
- b. Around half of local authorities are providing information on the right on their websites and encouraging groups thinking about the right to challenge to contact a named individual in the council to discuss their ideas - providing groups with a clear way into the authority to discuss delivering services. We are considering ways to encourage all LAs to provide website information on challenge.
- c. Some groups have reported that indicating their interest in using the right to the local authority has allowed them access to officers which they might otherwise not have. The results of the Locality survey of support users will shed more light on whether this is widespread.

What evaluation you have already carried out of the impact of the policy

We have not carried out a systematic evaluation but we are monitoring activity, speaking with frontrunners and tracking management information received through the support contract.

Locality, who run our support contract have a good grip on issues related to the implementation of the Community Rights. We liaise regularly with them on policy issues.

What evaluation you plan to carry out of the impact of the policy and when.

There are no firm plans at present for a formal impact evaluation of the community rights suite of policies. We do envisage a combination of in-house fieldwork, analysis and contract monitoring activity will form the basis of measuring programme and policy impact. This will include the analysis of take up of the rights across the country by location, community organisation type and asset type. This approach will also involve in-house follow-up qualitative research with a representative sample of those organisations to drill down into the specific social and economic impacts realised as a result of taking up the rights (e.g. case study work with SIB grant recipients). We will also carry out some survey work with local authorities to understand the operation of the right from their perspective.

Given that the provisions only came in in June 2012, the scheme is relatively new. We think therefore it is too early to carry out a formal review of its impact in 2014, instead we plan to begin this process in the Summer of 2015 (around 3 years from implementation of the Right to Bid regulations).