

Community Right to Challenge - Frequently asked questions

Q) Can anybody submit an expression of interest (EOI)?

A) No, an expression of interest will only be considered if it is submitted by a 'relevant body', that is :

- a voluntary or community body;
- a body of persons or a trust which is established for charitable purposes only;
- a parish/town council;
- two or more Warrington Borough Council employees.

Q) Can an expression of interest be submitted at any time?

A) Yes.

Q) Are there any exemptions and if so what are they?

A) A number of services are exempt :

- until 01 April 2014 -

services commissioned in conjunction with an NHS body under a partnership arrangement or by a relevant authority and an NHS body or a Strategic Health Authority acting jointly;

services commissioned by an NHS body on behalf of a relevant authority;

children's centre services that have been commissioned jointly by a local authority and an NHS body.

- permanent exclusions -

services commissioned or provided by a relevant authority in respect of a named person with a complex individual health or social care needs;

services which are commissioned and managed by individuals or their representatives using direct payments.

functions (as opposed to services) of the relevant authority.

Q) Can a challenge be declined?

A) Yes, but only under the following circumstances :

- information in the EOI is deemed to be inadequate or inaccurate;
- the council considers, based on the information in the EOI, that the relevant body is not suitable to provide or assist in providing the service;
- the EOI relates to a service where a decision, evidenced in writing, has been taken by the council to stop providing that service;
- the EOI relates to a service that is in whole or in part already commissioned in conjunction with an NHS body;
- the service is already the subject of a procurement exercise/provided under an existing contract;
- the council has already published its intention to consider the provision of the service following an EOI that was submitted at an earlier date;
- the council considers that the EOI is frivolous or vexatious.

Q) If my EOI is accepted, will I be required to deliver the service?

A) No, the service will be exposed to competition following the normal procurement rules of the council. You will be asked to tender in open competition with other organisations.

Q) How do I apply?

A) By completing the EOI form which is available on the council's website and returning it by e-mail to the address shown on the form.

Q) I've submitted an EOI, what happens now?

A) Within 30 days of receipt, the council will acknowledge receipt of your EOI and confirm the timescales for advising whether your EOI has been accepted/rejected.