

## **Guidance for completing KCC's Expression of Interest Form**

### **When we will accept expressions of interest**

Kent County Council will consider expressions of interest for any service at any time.

### **Providing supporting information**

KCC is only allowed to base our decision on whether to accept, accept with modification or reject your expression of interest on the information we have requested in the form. This is taken from the regulations for the Community Right to Challenge, as set out in the [Statutory Guidance for Community Right to Challenge](#). If you choose to provide other information, we will not be able to use it to make our decision.

However, you may choose to send us supporting documents to provide evidence of the information we have asked for in the form. For example, you may wish to send us a copy of your organisation's articles of association or registration with Companies House to provide evidence that you meet the definition of a Relevant Body. If you would like to provide supporting material, please make reference to it when you complete the relevant part of the form. You will be given the option to upload files in Section 7 of the form.

The information which we have requested plus any supporting Information will be used to make a decision on whether to accept or reject the expression of interest. If accepted, your organisation will be invited to compete in an open procurement exercise, during which your organisation (and any other organisation who wishes to compete in the procurement exercise,) will be required to provide information. The information provided by potential providers during the procurement exercise will be the basis on which KCC awards the contract.

### **Sending us your completed form**

When you have completed the form, submit it to us by clicking 'Submit' in the final section of the form. If you have any problems completing the form online, or need the form in an alternative format, please email [Righttochallenge@kent.gov.uk](mailto:Righttochallenge@kent.gov.uk) or call 03000 41 41 41.

A copy of your completed Expression of Interest Form and any attached documents will be sent to the email address you provide for your reference. You can also choose to save the Form before it is submitted to allow you to make changes later.

We are required to let you know the date by which we will make a decision on your expression of interest within 30 days of receiving it.

### **Who to contact for help**

Should you have any questions about completing the form, or experience any problems, please email [Righttochallenge@kent.gov.uk](mailto:Righttochallenge@kent.gov.uk) or call 03000 41 41 41.

## Sections of the form

The notes below are provided for advice only. The [Statutory Guidance for Community Right to Challenge](#) sets out the information that must be provided in an expression of interest.

### Section 1. About your organisation

- Q1. Please provide the name of the lead organisation submitting the expression of interest.  
If you are submitting an expression of interest as two or more employees of KCC, please provide your names as the organisation name.
- Q2. Section 81 of the Localism Act (2011) specifies the kinds of organisations/bodies who are eligible to use the Community Right to Challenge. These are known as Relevant Bodies. Information about Relevant Bodies and definitions of different types of Relevant Bodies are provided in the [Statutory Guidance for Community Right to Challenge](#).
- Q3. Relevant Bodies are asked to prove that they meet the definition of a Relevant Body. Evidence that your organisation meets the definition of a Relevant Body could include your Charity Number, articles of association, registration with Companies House, registration with the Financial Services Authority etc. Further information is provided in the Statutory Guidance. You will be able to upload any supporting documents later.  
The Statutory Guidance states that organisations that provide contracts for local authorities would normally be expected to be incorporated with limited liability. However, it is not essential for the Relevant Body to be incorporated by the time the expression of interest is submitted. If your expression of interest is accepted, Government suggests that the time between acceptance and the start of the procurement exercise will allow time to arrange incorporation. If you plan to do this, please explain in the answer box for Question 3.  
Similarly for expressions of interest submitted by groups of KCC staff, you are not required to have formalised all the arrangements for forming an employee-led structure to run the service, but you must do so by the time any procurement exercise begins. If this is the case, please explain in the answer box for Question 3.
- Q4. As explained in the Statutory Guidance, Relevant Bodies are allowed to submit an expression of interest in partnership with one or more other organisations which are not required to meet the definition of a Relevant Body. If you are submitting the expression of interest as a consortium, you are required to provide information about all members of the consortium or partnership. Click 'Yes' to add this information.
- Q5. You may be proposing to use sub-contractors to provide or assist in providing the service that the expression of interest relates to. It is not necessary for any sub-contractors you propose to use to meet the definition of a Relevant Body. If you are intending to use sub-

contractors, you are required to provide information about them. Click 'Yes' to add this information.

## **Section 2. Service being challenged**

- Q1. Please include any information necessary to help us to understand the service you are interested in running.
- Q2. Please explain the geographical area that you would like to run the service in. This might be the whole of Kent, or a specific area. A specific area might be a part of the county like West Kent, a Borough/District area or a smaller area.

## **Section 3. Financial information**

- Q1. The Statutory Guidance does not specify the type of financial information to be provided. We suggest that you provide information that proves that your organisation is financially sustainable. Proof of financial sustainability might include:
- Your Business Plan
  - Copies of accounts
  - Bankers' / accountants' references
  - Any guarantees, for example from a parent organisation if applicable

These examples are given for advice only - the information that each organisation wishes to provide may vary.

Financial information must be provided by all members of a consortium and each sub-contractor if you propose to deliver a service in this way.

## **Section 4. Capability to provide the service**

- Q1. The Statutory Guidance does not specify the type of information needed to prove your capability to provide the service. We suggest that you provide information that proves that by the time any procurement exercise starts, your organisation or consortium will be in a suitable position to deliver a contract on behalf of KCC. Information about capability might include:
- How you will become incorporated (if relevant)
  - Information about your organisation's objectives
  - How you will ensure that you have in place any necessary insurances such as public liability insurance
  - How you will meet any specific requirements relating to the service you are interested in providing, for example accreditation to governing bodies
  - Information about the experience and skills of your organisation that are relevant in providing or assisting in providing the service

These examples are given for advice only - the information that each organisation wishes to provide may vary.

Information about capability to provide or assist in providing the service must also be given for all members of a consortium and each sub-contractor if you propose to deliver a service in this way.

### **Section 5. Outcomes to be achieved in providing the service**

The Statutory Guidance does not specify the type of information to be provided on the outcomes to be achieved. We suggest that you provide measurable outcomes where possible.

Q1. Relevant Authorities (including KCC) are required to consider the social value of expressions of interest. We are also required by the Localism Act 2011 to consider the promotion of or improvements to the social, economic or environmental wellbeing of the authority's area when considering expressions of interest. We are required to consider the same factors in carrying out any subsequent procurement exercises. This obligation is also reflected in the Public Services (Social Value Act) 2012 which comes into force in January 2013.

You should demonstrate how your provision of the service will promote or improve the social, economic or environmental wellbeing of the area. [Statutory Guidance for Community Right to Challenge](#) provides examples of social value, including improving local skills, increasing volunteering opportunities etc.

However Relevant Authorities are required to balance the consideration of Social Value with procurement law applying to the award of contracts. Further information is available in the European Commission publication [Buying Social: A guide to taking Account of Social considerations in Public Procurement](#)

Q2. In this section you also need to provide information about how your provision of the service will meet the needs of service users. The Statutory Guidance suggests that you may wish to refer to sources of information including needs assessments carried out by KCC or surveys of service users carried out by your organisation.

### **Section 6. Staff engagement**

Q1. **This information is only required for expressions of interest from groups of KCC staff.**

[Statutory Guidance for Community Right to Challenge](#) states that the way in which employees are engaged is best decided locally and that well-established staff engagement and governance channels could play a part. The Guidance sets out an expectation that the engagement of staff is appropriate and proportionate to the size and nature of the service and the number of employees directly affected by the expression of interest.

There is no requirement for a ballot to demonstrate support for a proposal under the Community Right to Challenge.

HR Guidance for KCC staff and managers on setting up a Social Enterprise and using Community Right to Challenge is available on KNet.

**Section 7. Supporting material**

- Here you can upload any supporting documents that you have referenced when completing the Form, and any other documents that you wish to submit to support your expression of interest.

**Section 8. Contact details**

- Please provide contact details so that we can get in touch with you about your expression of interest and notify you of our decision.
- The representative(s) whose details are given should have good knowledge of the expression of interest and be able to make decisions on behalf of the Relevant Body.

**You can now choose to go back to previous section of the form, review the complete form, save the form (a weblink will be provided so you can come back and make changes to this form before submitting it,) or submit it.**

**Please note that we will not receive your form until you click Submit.**