
Overview and Scrutiny

Interim Report: Fairness in Procurement

Public Accounts Select Committee

October 2011

Membership of the Public Accounts Select Committee:

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1. Introduction

- 1.1 This interim report presents the findings and recommendations of the Public Accounts Select Committee following an evidence session on fairness in procurement held in July 2011.

2. Background to the review

- 2.1 At a meeting held on 14 June 2011, the Committee considered a scoping report outlining how an in-depth review into fairness might be carried out. The report included some information on Islington's Fairness Commission, set up in July 2010 to look into how to make that borough a fairer place. The Commission met seven times and produced a final report with 19 recommendations.¹
- 2.2 Following consideration of the scoping report, and the Islington Fairness Commission report, the Committee agreed to conduct an in-depth review into fairness in the Council's procurement policies and pay and employment practices.
- 2.3 The Committee also agreed that (a) it did not have sufficient time or capacity to scrutinise fairness in the Council's budget and (b) elements of the work of Islington's Fairness Commission other than the issues it would be scrutinising itself, were also worth considering. The Committee therefore requested that:

- 1) The Mayor give consideration to whether Lewisham could develop a fairness test, similar to the one developed by the Islington Fairness Commission, to test the fairness of budget proposals and their impact on residents; and consult the public on this issue via the local assemblies.

This request was presented to the Mayor on 13 July 2011.

- 2) Each Select Committee consider the recommendations made by the Islington Fairness Commission relevant to the remit of their committee and consider whether they might be applicable to Lewisham.

In response to this, officers completed a mapping exercise to identify the links between existing Select Committee work programmes and the recommendations arising from the Islington Fairness Commission. Most of the topics covered by the Islington recommendations mapped to existing Select Committee areas of work. A couple of potential gaps, however, were noted. Each Select Committee received the results of the mapping exercise at their September meeting.

- 2.4 The Committee agreed the following timetable for its review:

- 14 July 2011 - evidence session on procurement
- 12 January 2012 - evidence session on pay and employment practices
- 27 March 2012 – consideration of any work carried out by other Select Committees and any work carried out on developing a fairness test for the budget
- First meeting of the 2012/13 municipal year – agreement of a final report and recommendations.

¹ See:

http://www.islington.gov.uk/DownloadableDocuments/CouncilandDemocracy/Pdf/fairness_commission/IFC_final_report_closing_the_gap.pdf

- 2.5 Rather than wait until the new municipal year to present the recommendations on procurement arising from the evidence session held on 14 July, the Committee agreed to produce this interim report.

3. Key lines of enquiry

- 3.1 The Committee agreed that its first evidence session would focus on the Council's procurement strategy and assess whether any action could be taken to make it fairer. In particular, the Committee would consider whether more could be done to:

- Procure business from local suppliers; supporting Lewisham businesses (especially Small and Medium sized Enterprises); encouraging local trade and production; and ensuring that more of the money spent by the Council stays in Lewisham.
- Ensure suppliers are socially responsible - providing acceptable employee conditions (e.g. pay the London Living Wage, ensure access for people with disabilities, offer internships and apprenticeships, provide family friendly and flexible working arrangements and have fair pay differentials); adhering to Council principles (e.g. Sustainable Community Strategy values); and being publically accountable (e.g. positively engage with the Council's scrutiny process).

- 3.2 The Committee received a written report on the Council's procurement policies and heard oral evidence from Andy Murray, Procurement Strategy Manager; and Steve Nelson from the South East London Chamber of Commerce.

4. Evidence and findings

Lewisham's approach to procurement

- 4.1 Two of the main aims of the Council's procurement strategy are (a) to ensure that procurement policies and procedures reflect the Council's vision, values and objectives; and (b) to engage with all elements of the business community including Small and Medium-sized Enterprises (SME's); Black and Minority Ethnic Enterprises (BME's), social enterprises and the voluntary sector, to provide Lewisham with a mixed economy of service provision.
- 4.2 The Council actively encourages local small businesses to access opportunities with the Council, other public sector organisations, and large private sector organisations, whilst the Council's Business Advisory Service has held events such as 'How to win business in Lewisham'. In 2006 the Council signed the National Procurement Concordat for Small and Medium-sized Enterprises. The Concordat commits the Council to helping small businesses by encouraging a mixed range of suppliers in order to help develop and stimulate a varied and competitive marketplace.

Procurement rules

- 4.3 The procurement of supplies and services over £156k and construction works over £3.9m are subject to EU procurement rules. However, the vast majority of the Council's procurement is under the EU threshold. Regarding lesser value contracts, the Council's procurement code, as outlined in the constitution, only requires officers to obtain a single quote for contracts under £10k. Contracts under £40k require between three and four quotes; and contracts over £40k but under the EU threshold require an open advert but this could include an advert on the Council's website.

- 4.4 Larger contracts can not be arbitrarily split up to bring them below EU thresholds. However, contracts can be split into smaller contracts if they are clearly distinct, although this can make contract monitoring more difficult. For example, the catering contract has recently been split into three contracts – one for education and one for social care, with sixteen local companies and shops being allocated the hospitality contract.

Social considerations

- 4.5 The EU Public Procurement Directive implemented in the UK in January 2006 makes explicit the scope available to public organisations to take social and environmental issues into account at the relevant stages of the procurement process. The Directive allows a contracting authority to use award criteria aiming to meet social requirements, provided such criteria are linked to the subject matter of the contract.

“In general, any contracting authority is free, when defining the goods or services it intends to buy, to choose to buy goods, services or works which correspond to its concerns as regards social policy including through the use of variants, provided that such choice does not result in restricted access to the contract in question to the detriment of tenderers from other Member States.”

- 4.6 Social considerations can cover a very wide range of issues and fields, including measures to ensure compliance with fundamental rights, with the principle of equality of treatment and non-discrimination; with national legislation and with community directives applicable in the social field. It is important to note that there are certain constraints upon the Council seeking to impose requirements upon Contractors/Service Providers compelling them to use local businesses and/or suppliers in relation to works or services under their contracts with the Council.
- 4.7 Under EU law, the EU principles of non-discrimination prevent public bodies from disadvantaging economic operators within the EU by inserting provisions in contracts which would give an advantage to contractors/providers within their respective Member State. There are also restrictions against breaching the principle set out in the EU Treaty guaranteeing the free movement of workers. This is one of the fundamental freedoms guaranteed by EU Law and it provides for the right to equal treatment in respect of access to employment. There have been a number of cases in the European Court of Justice, and one in recent years involving the UK, which have reinforced the EU requirement that in any procurement of a contract whose value is above the relevant threshold, there should be no provisions which would favour local employment. This does not extend to the offer of apprenticeships and work placements which is recognised under EU Law as being exempt, particularly where there is a social and economic need within the region for such provision to be made in contracts. (See paragraph 4.12 for more information on apprenticeships).
- 4.8 Even where contracts are not subject to the EU Procurement Regime, i.e. where the value is below the relevant threshold or it is an exempt service, there are constraints relating to Best Value under local government legislation (the Local Government Act 1999). Therefore, it is important that any move to require contractors to use local labour, business or supplies does not breach competition regulations or Best Value.
- 4.9 Lewisham’s commitment to equalities extends to all stages of the contract process, from standard evaluation procedures of tenderers to contract clauses and monitoring. The Council expects people working on its behalf to practice equal opportunities. They must be clear about the Council’s position on equality and be aware of the requirements placed upon them to adhere to the Council’s policy. One social aspect

of procurement that the Council has decided to champion relates to the London Living Wage (LLW). The Council includes the provision of a LLW in service contracts awarded by the authority to help ensure that the outsourcing of services or contracting with external providers does not drive down the rates of pay for members of staff employed by companies to work on Lewisham contracts.

(a) London Living Wage (LLW)

- 4.10 Lewisham has used the variant route in relation to the LLW since 2009, when implementing the policy agreed in 2008. The procurement team assess each contract on renewal to decide whether the LLW is an issue in relation to the staff employed to undertake the service. If it is ascertained that staff are paid below the LLW level, then the contract is priced on two levels with/without LLW and the award report gives the Mayor & Cabinet (Contracts) the option to award on the basis of including the LLW.
- 4.11 To date, all contracts where the LLW pricing has been provided, the Mayor has accepted the LLW option. Only in one area has this proved impossible to implement - Residential & Nursing Homes - due to the nature of the contracting arrangements in this area and the fact that Lewisham does not purchase exclusively all the beds in the homes.

(b) Apprenticeships

- 4.12 Lewisham actively supports the creation of apprenticeships within its own workforce and looks to contracting partners to mirror this commitment. The Youth Task Force leads on this agenda, due to the high number of unemployed young people in the borough. The Task Force's action plan identifies a number of key procurement points which are attached at Appendix A.
- 4.13 To enable the Council to manage and monitor its contracts with regard to apprenticeships and work placements the following clauses will be included within the contract terms and conditions from September:

The Contractor [Service Provider] acknowledges that the Council is committed to improving opportunities for young people to obtain work placements and apprenticeships to gain work skills and increase their opportunity of obtaining permanent employment. In pursuance of this commitment, it requires the Contractor [Service Provider] to

- *use its best endeavours to provide work placements and apprenticeships for young persons resident within the Borough during the currency of the Agreement and;*
- *comply with, and deliver its obligations under this Agreement in a manner which is consistent with achieving the key performance indicators relating to its arrangements for work placements and apprenticeships as set out in Schedule XX;*
- *assess its performance in relation to this requirement throughout the currency of this Agreement and report to the Council on a regular basis, appropriate to the monitoring period for the key performance indicators for this provision (detailing the level of performance against the key performance indicators). Should the Contractor [Service Provider] fail to meet any such key performance indicators in relation to the provision of work placements or apprenticeships, it shall pay to the Council the penalty specified in Schedule XX within 20 business days of written demand by the Council.*

4.14 When discussing the inclusion of social considerations in contracts, at the evidence session in July, the Committee noted the following key points:

- Suppliers are happy to pay the London Living Wage (LLW) to employees as the Council effectively covers the cost. (New contracts are priced on two levels – with or without LLW – see paragraph 4.10 above).
- The social considerations included in a contract must be relevant to the nature of the contract. It can be difficult to be very specific in terms of the considerations included - for example, it would only be possible to specify that apprentices must be from Lewisham if Lewisham had a proven record of high youth unemployment. (To get around this, the Council offers to help suppliers find local employees and apprentices to encourage a local workforce).
- Transport for London (TfL) has a 'menu' of social considerations which are incorporated into contracts according to the size of the contract. Whilst Lewisham could investigate implementing something similar, the Council's contracts are generally not of the same scale, thus limiting the range and quantity of considerations that could be incorporated.
- 'Chasing' contractors on the social consideration aspects of agreed contracts is within the job description of an officer in the economic development team and this role is carried out very effectively. In addition, on the advice of the legal team, a range of clauses have been introduced into contracts enabling better enforcement of social considerations. From September, all Council contracts will be more robust, contract monitoring will be improved and the code of practice will be updated for new suppliers.
- Procurement officers are working with other councils on standardised contract specifications and joint clienting arrangements.
- Local authorities need to procure together more, in order to use collective spending power as a lever to introduce more social considerations into contracts.
- In terms of contract enforcement and penalty options, liquidated damages or payment deductions can be brought into play in the case of non performance. A parent company guarantee can also be requested, although this is only used should a company go bust or a contract terminated.

4.15 The Committee suggested that comprehensive legal advice on what can and cannot be incorporated into contracts in terms of social considerations should be sought. For example, advice on whether suppliers can be asked to (a) adhere to a pay differential below a certain ratio (or at least report their pay differential); (b) aim for a 50/50 gender ratio in apprenticeships; (c) recognise relevant staff unions; and (d) reach a particular minimum level of Continuing Professional Development (CPD) for their workforce and invest the Skills for Care and Development (SCD) recommended minimum percentage for investment in training. If it was not legally possible to incorporate such clauses into contracts, the committee felt that the Council should still strongly encourage suppliers to adopt socially responsible practices such as these.

Local Employment and Local Business

4.16 Lewisham is working to influence its contracting partners by encouraging contractors, suppliers and service providers engaged to work for the Council to show a commitment to the borough, its residents and businesses. Where it is necessary for employees to be recruited to work on Lewisham contracts, contractors, suppliers and service providers must use best endeavours to appoint Lewisham residents. This can be expedited by notifying the Council of job vacancies in advance of general advertisement, so the Council can offer assistance with publicising the role locally.

4.17 Where a part or the whole of the awarded contract is subcontracted, contractors, suppliers and service providers must use best endeavours to appoint a business based in Lewisham borough. Again, this can be expedited by notifying the Council of subcontract work packages available, so the Council can offer assistance with finding suitable local businesses to be included in the tender process.

4.18 To enable the Council to manage and monitor its contracts with regard to local employment the following clauses will be included within the contract terms and conditions from September:

The Contractor [Service Provider] acknowledges the Council's commitment to reducing unemployment within the Borough and to the sustainability of the local economy. In seeking to work with the Council in achieving its objectives the Contractor [Service Provider] agrees that:

- where it is required to recruit personnel to work on this contract, it shall use its best endeavours to appoint persons resident within the Borough and if this is not possible, to employ persons resident in neighbouring boroughs, subject to those persons meeting the necessary skills required for the post being recruited to; and
- it shall monitor its recruitment of personnel under this Agreement and report to the Council on a regular basis (appropriate to the monitoring periods for the key performance indicators relating to its recruitment policy as set out in Schedule XX) its level of performance against the target set out in the Schedule XX.

4.19 In terms of the Council directly contracting with local businesses, the procurement team offers tailored support to small businesses and the community and voluntary sector, providing guidance on tendering procedures and helping make sure local firms and organisations are contract ready. The Council also aims to pay small businesses within ten working days of receiving an invoice, if undisputed.

4.20 The *Compete For* portal was designed to enable businesses to compete for contract opportunities linked to the London 2012 Olympic Games and for related contract opportunities with organisations such as TfL, Crossrail and the Metropolitan Police. In terms of encouraging local suppliers to bid for work with local councils, the Greater London Authority (GLA) and all London local authorities are being encouraged to sign up for a *procure4london* portal which allows suppliers access to a single avenue for public procurement opportunities in the capital with standard procedures and policies. It is anticipated that Lewisham will be fully signed up from September and a link to the portal will be included on the Council website.

4.21 Steve Nelson from the South East London Chamber of Commerce made the following points to the Committee in relation to increasing procurement from local suppliers:

- Most businesses in the local area are interested in Council contracts under £40k as they are not large enough to manage bigger contracts.
- Although contracts under £10k only require one quote, local businesses would really benefit from the opportunity of being asked to quote, so it would be welcome if officers letting contracts under £10k were required to get at least one quote from a Lewisham supplier.
- One problem with Council contracts is the number of different people letting smaller contracts – ensuring they all receive the same guidance is therefore important.

- The Chamber keeps a directory of local businesses (accessible on its website) and residents approaching the Council for tradesmen suggestions could be signposted here.

4.22 All spend above £500 is made available on the Council website and can be used by local businesses to give them a better idea of the type of Council contracts available. The information is available in csv form (comma separated value file) as well as pdf (portable document format) so can be manipulated and is searchable.

4.23 However, there is a tension between encouraging smaller local businesses to tender for manageable contracts; and aggregating contracts (as larger contracts normally meant lower prices).

Procurement data

4.24 Using data from the last two full financial years the procurement picture in Lewisham is:

	2009/10	2008/09
Influenceable Spend	£307,403,645	£384,598,652
Nos. of Suppliers	4,836	9,990
Nos. of Invoices	96,431	170,793
Average Invoice Value	£3,187	£2,251
New Suppliers	1,554	5,226
Suppliers generating 80% spend	4.1%	4.2%

4.25 In terms of spend in 2009/10 the percentage of suppliers that were classified as SME's was 65.84%; local to Lewisham (this category relates to companies whose registered office is within the borough), 14.88% and the voluntary sector, 12.22%.

Localism Bill

4.26 The Localism Bill is part of the Government's wider Big Society policy initiative, which is geared towards redefining the relationship between the citizen and the state. As part of this, the Government is challenging individuals and communities to do more for themselves. On its part the state offers to play a facilitating role – in particular through the removal of barriers to local participation and engagement.

4.27 The Localism Bill was debated in the Commons between December 2010 and May 2011. At Report Stage (following 24 Committee Stage sittings) the Government introduced 234 new clauses and amendments to the Bill. Following a Third Reading, in the Lower House, the Bill moved to the Lords and received its First and Second Readings in June. The Bill is being debated at Committee Stage, and is likely to become law in late autumn. One particular section – community empowerment and the “right to challenge” - impacts on procurement.

4.28 Under the Government's proposals, community & voluntary groups will have the opportunity to express an interest in providing public services and to bid for assets of community value. The provisions also allow for referenda to be called on any local issue subject to a range of conditions. Amongst the various new clauses added to the Bill, the Secretary of State will have the power to provide advice and assistance with regard to the right to challenge and the right to buy.

4.29 A summary of issues that have emerged during the Parliamentary debates are set out below:

- the risk of service fragmentation – particularly if profitable elements of services are cherry picked through the right to challenge;
- the extent to which service users will be engaged as part of the community right to challenge;
- whether local public services can be protected from those outside the area - particularly multi-nationals;
- legal implications particularly of insider trading and charges of anti-competitiveness from private sector organisations as part of the right to challenge;
- the potential for assets of community value to be nominated in a way that seeks to frustrate necessary development and infrastructure;
- the approach to be taken when dealing with assets of community value that straddle borough boundaries;
- managing anxiety particularly amongst the business community that might be put off from investing in an area if, when they want to dispose of their property, it might be included on a list that could affect its resale value;
- measures to deal with vexatious nominations or pressure generated by vocal and affluent communities with recourse to lawyers.

4.30 Taking on board the above, a sketch of issues that Lewisham may wish to consider in developing its policy framework, is attached at Appendix B.

5. Recommendations

5.1 The Committee would like to make the following recommendations:

Encouraging Local Businesses

1. **Formal Targets:** The Committee notes that currently only 14.88% of Council suppliers are based in Lewisham but accepts that Lewisham is not a particularly industrial or commercial borough and the Council is limited by the number of companies based in Lewisham. However, the Committee would like officers to set a realistic target for increasing the proportion of its suppliers that are based in Lewisham and a more ambitious target for the percentage of suppliers based in the south east London sub region.
2. **Mandatory quotes from local suppliers:**
 - (a) The guidance issued on procurement and contained in the constitution should be amended (and re-issued to all staff able to let contracts) to require officers to obtain a quote from at least one local company in respect of all contracts under £40k and over £500, if a local supplier exists. This will include contracts under £10k where, currently, only one quote is required.
 - (b) In relation to this, the procurement team needs to offer guidance to officers in terms of finding appropriate local companies.
 - (c) Officers should also be encouraged to offer feedback to Lewisham companies in cases where they have been unsuccessful, so they can improve their chances in respect of future opportunities.The Committee recommends that the e-procurement tool being developed by the procurement team is used for all Council procurement, including procurement under £10k, and incorporates recommendations (a), (b) and (c) above.

3. **Procure4london:** The Committee notes that the Greater London Authority (GLA) and all London local authorities are being encouraged to sign up to the *procure4london* portal which allows suppliers access to a single avenue for public procurement opportunities in the capital with standard procedures and policies. The Committee would like to be reassured that Lewisham is fully signed up, that a link to the portal is featured on the Council website and that the portal is actively promoted to local businesses.
4. **Data and events:** The Council should consider whether the data available on the website regarding spend above £500 can be made more useful for local businesses, to enable them to get a better idea of the type of Council contracts that are available, who lets these contracts and when they are up for renewal. Officers should also investigate ways of bringing together local businesses with Council buyers, including holding service based events.

Social Considerations in contracts

5. **More social considerations:** Procurement officers should seek comprehensive legal advice on what can and cannot be incorporated into contracts in terms of social considerations. Specifically, advice should be sought on whether suppliers can be asked to (a) adhere to a pay differential below a certain ratio and regularly report their pay differential; (b) aim for a 50/50 gender ratio in apprenticeships; (c) recognise relevant staff unions; and (d) reach a particular minimum level of Continuing Professional Development (CPD) for their workforce and adhere to the Skills for Care and Development (SCD) recommended minimum percentage for investment in training. If not legally possible, the Council should strongly encourage suppliers to adopt socially responsible practices such as these. The Committee would like officers think more creatively about how social considerations can be incorporated into contracts, taking into account legal advice and also best practice from other local authorities and organisations, including TfL.
6. **More robust contract monitoring:** The Committee welcomes the fact that from September, all Council contracts will be more robust, contract monitoring will be improved and the code of practice will be updated for new suppliers. Contract monitoring needs to be rigorous across the piece, with robust enforcement and a range of formal targets - and informal targets (around best practice) where it is legally impossible to enforce formal targets. In relation to this, the Committee recommends that new contracts should require the provision of more detailed management information so officers can better monitor how social considerations are adhered to.
7. **More joint working:** The Committee is pleased that procurement officers are working with other councils on standardised contract specifications and joint clienting arrangements. This makes it easier for local suppliers to bid for work with local councils, particularly in south and south east London; and also ensures that suppliers do not charge different local authorities different prices for the same services. The Committee would like to see the Council increase joint procurement with other local authorities, so collective spending power can be used as a lever to introduce more social considerations into contracts.

Apprenticeships

Lewisham actively supports the creation of apprenticeships within its own workforce and looks to contracting partners to mirror this commitment. The Youth Task Force leads on this agenda, due to the high number of unemployed young people in the borough. The Task Force's action plan identifies a number of key procurement points (responses are shown in italics):

During the re-tender of Council contracts, due consideration be given to the provision of employment for apprentices as well as other opportunities including work experience, work shadowing, etc.

Eligible contractors be asked to outline their capacity for the delivery of positions for apprentices and that this should be used as part of the tender evaluation process.

The code of practice for contractors, suppliers and service providers will be revised to include a reference to apprenticeships and other associated socially responsible practices. Each procurement project over £1m in value will be reviewed with the objective to include the employment of an apprentice.

There will also be included, in all relevant contracts, provisions requiring contractors and service providers to stipulate specifically how they will meet our corporate priorities in relation to apprenticeships and the employment and training of young people.

The management and development of apprentices should be included in the Council's overall management of its contracts.

As part of the management of the relevant contracts, officers will ensure that contractors supply sufficient evidence that they are meeting their contractual commitments. Enforcement of contract conditions will follow the Council's code of practice for contractors, suppliers and service providers, in line with the Council's guidance on best practice for managed contracts. Penalty clauses will be written into relevant contracts to ensure that enforcement can be served for non compliance. Additionally, the Council's website will be used to publish this aspect of contractors' performance.

Oversight of the Council's overarching responsibility for all apprentices employed directly by the local authority or through the Council's supply chain will be corporately maintained.

The Council's current provision for providing apprentices should be used to support the deployment of apprentices into partner organisations.

The Council will promote, encourage and facilitate the placement of apprentices in partner organisations. Officers will meet with partners to ensure that best practice and resources can be shared.

Lewisham will offer partner organisations information on the range of support available and any detail of additional and complementary support service that can be provided from within the locality.

The Council should consider innovative ways to support apprenticeship opportunities in other organisations including partners in the voluntary and community sector.

When considering the programme in any one year the Council will work with partners to ensure that the programme involves the creation of opportunities in the voluntary and community sectors

Policy sketch: Community Right to Challenge

The community right to challenge enables bodies (eg: community groups, charities, social enterprises, mutuals and co-ops) to express an interest in running a service, which may trigger a procurement exercise relating to the provision of relevant authority services on the authority's behalf.

Objectives

The basic intentions of the community right to challenge suggest that the objectives could be defined as:

- *empowering local communities;*
- *securing better value for money by exploring new models of service delivery;*
- *increasing fairness, openness and transparency*

Scope

The community right to challenge was recently subject to consultation. Feedback from that consultation has not yet been received, as such the detail of the scope of the framework is not definitive. However, the scope is likely to need to cover the following:

- *services covered by the right to challenge and those that are exempt*
- *grounds upon which an expression of interest may be submitted*
- *information to be included in an expression of interest*
- *periods during which an expression of interest might be submitted*
- *length of time during which an expression of interest may be considered*
- *procedure for making decisions/ transparency*
- *rights of appeal*

Delivery

As it stands, the existing procurement procedures should be able to accommodate the new right to challenge in the event that an expression of interest triggers a procurement process. However one issue that did crop up in the context of Parliamentary debate is that relating to insider trading and anti-competitiveness. This issue was raised specifically as it relates to employee owned mutuals expressing an interest in providing a service and winning any subsequent procurement exercise. Consideration will need to be given to whether this issue is addressed in a right to challenge policy framework or in procurement guidelines.

Resource implications

Still unclear. During Report Stage in the Commons, the Government proposed a new clause which will empower the Secretary of State will provide financial assistance to support the community right to challenge. However, there has also been discussion in Parliament about whether councils might be given a role in supporting organisations to take on a public service delivery role. Exactly what such a role might entail is uncertain. However, consideration will need to be given to the legal implications of any such support as it could be perceived as anti-competitive and could lead to legal challenge.

Wider statutory implications

EU procurement directives
Equality Act 2010