



A Guide to Taking on Community Assets and Services

Shropshire's Keep it Local Community Resource Pack

09 August 2016

Do you want to secure the future of your local library, pub, shop, community centre, green space, bus service and other services important to your community?

This guide will provide you with information and local contacts to help make that happen in Shropshire.

There are also a few local case studies to help get you inspired!

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What's Happening Nationally?

The **Localism Act** was passed in 2011 and aims to devolve power from central government to individuals, communities and local councils. The Act is a key piece of legislation in the government's drive for decentralisation. The measures set out in the Localism Act include:

- New freedoms for local government
- New rights and powers for communities and individuals including the Community Rights to Challenge and Bid
- Reforms to the planning system and reforms about local decisions made in relation to housing.

In addition local councils have the right to dispose of assets at less than market value for local social, economic or environmental benefit, a process known as Community Asset Transfer. For more information regarding Shropshire Council please refer to:

<http://www.shropshire.gov.uk/doing-business-with-shropshire-council/>

Alongside this, government is reducing funding and looking for new and better ways of delivering community services at a lower cost. Local organisations, voluntary and community groups are often best placed to do this and can make a positive difference to causes and services which they believe in. They can help to reduce demand, identify people's needs and inform service design, and support the involvement of people and communities in services.

Localism: Useful resources

Download the Localism Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted/data.htm>

The Plain English Guide to the Localism Act

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5959/1896534.pdf

The Five Key Measures in the Localism Act -

<http://www.communities.gov.uk/localgovernment/decentralisation/localismbill/keymeasures/>

Locality's Policy Work on Localism - <http://locality.org.uk/our-work/policy/localism-act/#sthash.LBoBX7rz.dpuf>

Information, stories and advice on community rights and Community Asset Transfer - <http://mycommunity.org.uk/>

How to make things happen and improve your community - <http://www.justact.org.uk/>

What's Happening in Shropshire?

At the same time as funding from government is reducing Shropshire Council is facing increasing pressures from, for example, an ageing population and from delivering services in a predominantly rural county.

Shropshire's communities, people and organisations are often as well as, or better placed than Shropshire Council to develop new approaches for the delivery of services for local residents. "Resilient" communities will take ownership of issues and services that are important to them and, with the support of Shropshire Council, will develop their own resources. This is already happening with community libraries in Shropshire: seven have successfully transferred to new local management arrangement and with youth activities.

The Big Conversation in Shropshire is the Council's initiative to talk with you about what you feel are the solutions to the Council's financial challenges. We know the services we provide are important to you. As part of this Big Conversation we want you to tell us your views on the services you value, the services you don't and the services you and your community may consider delivering yourselves.

Other organisations are also sometimes better placed than Shropshire Council to attract external funding and to secure inward investment to Shropshire such as from the Big Lottery Fund: <https://www.biglotteryfund.org.uk/>

In Shropshire public bodies such as Shropshire Council, the Clinical Commissioning Group, the Police and Fire and Rescue Service are working with local Town and Parish Councils, Shropshire community organisations and businesses to find new ways to deliver and fund local services. A number of options are available to help facilitate this including:

- The transfer of buildings, land and responsibility for the delivery of services from Shropshire Council to local organisations, for example via the Community Asset Transfer process
- Funding support from Shropshire Council to local organisations for the on-going delivery of local services.
- Funding from local organisations, for example via town and parish council precepting, to Shropshire Council in support of on-going service provision
- Clustering of town and parish councils to deliver services or to support a larger town council to take the lead.

Shropshire Council - <http://www.shropshire.gov.uk/>

Big Conversation - <https://www.shropshire.gov.uk/big-conversation/>

Find out more about Shropshire Town and Parish Councils - <http://www.2shrop.net/alc>

Voluntary sector organisations - <http://vcsvoice.org/>

Shropshire Providers Consortium - <http://shropshireprovidersconsortium.co.uk/>

Making it Happen

Before you take on the responsibility for a building, land and / or service there are some things that you should consider:

- **Why do you want to take it on?** Running a community building or taking on a service is one of the most challenging tasks that a community organisation can undertake, but it can also be one of the most rewarding. You should be a properly constituted group, be confident about individual's roles and responsibilities and know where to get advice. Community consultation and business planning will be important parts of the process.
- **How much will it cost?** You need to think about the long term viability and sustainability of your project. You should be aware of the costs involved and the resources, financial and human, that you have available. The development of a fund raising strategy including an innovative approach to generating income may be useful. You will also need an effective financial management system.
- **What are your legal responsibilities?** You will need to comply with all legal and financial aspects to managing an asset or service and keep relevant policies and procedures up to date. These could include health and safety, risk assessments, food safety, protection of children and vulnerable adults, etc. You may also need to think about systems for the management of staff and / or volunteers.
- **How will your community benefit?** It is important that you can describe why you want to manage a community asset or service and how members of the community will benefit. Consulting and involving the community in the development of your plans is likely to be important.

Although all of this may sound daunting there are many examples where local groups have succeeded in making a real difference to their communities. This guide is intended to help you to get started.

Getting started

Before you get started it will help to understand a few commonly used terms starting with a description of the different “community rights”.

- **Community Right to Challenge.** This provides certain community groups the right to submit an Expression of Interest in taking over and running a Council service that they have identified they could improve. Once an Expression of Interest is submitted the Council must consider and respond to the challenge by either accepting the suggestion, rejecting it in certain defined circumstances, or suggesting modifications and improvements to the proposals. If the Council accepts the challenge the Council must then run a

procurement exercise in which organisations - including those that challenged the delivery of the service but also private companies - can bid to take over the running of the service.

- **Asset of Community Value.** Land or buildings successfully nominated under the “Community Right to Bid” legislation. Once an asset, building or land, is placed on the Asset of Community Value Register it creates a requirement for the Owner Council, should they wish to sell the site, to delay the disposal for a minimum of six weeks to give the nominating organisation or other qualifying community body time to confirm whether they wish to make a bid; if during the six weeks a request to bid is made, the Owner Council can't dispose of the asset (other than to a community interest group) until the end of a six-month period.
- **Community Asset Transfer.** As part of the Council's overall approach to supporting and sustaining the voluntary and community sector in Shropshire the Council is committed to the transfer of council owned properties and land at a discounted cost where they will bring benefits to local communities and contribute towards the council's aims and objectives. The Council keeps a Community Asset Transfer register of assets that it has identified as suitable for potential transfer; initial interest is expressed by submitting an Initial Expression of Interest.

Once you have identified a local asset or service that you would like to take over and run you will need to develop and submit an initial expression of interest. If this is successful, you will then be invited to submit a formal expression of interest then a business plan to Shropshire Council.

- **Initial Expression of Interest.** A short description that describes your organisation, details of the asset or service that you are interested in, and what benefits your proposals will have to the community.
- **Formal Expression of Interest / Business Plan.** A longer business plan describing the aims and objectives of your organisation, your specific proposals, evidence of community need for your project and a plan for your proposals.

For information on Community Asset Transfer, Community Right to Bid and the Community Asset Transfer processes visit the Council's "Doing Business with the Council" web pages

<http://www.shropshire.gov.uk/doing-business-with-shropshire-council/>

If you are considering a new build community housing or buildings project and want to see whether it has the potential to be viable -

<http://www.communitybuildingschecker.org.uk/>

Developing “Community Hubs”, a case study

Community Hubs are places that offer community information, places to meet, places to host services and appointments, etc. The development of a multipurpose Community Hub could provide a creative, efficient and customer friendly solution to meeting local challenges and be catalyst for positive economic, social and environmental change. There is no single recipe for the development of a Community Hub. The key to the development of a successful, sustainable Community Hub is that it responds to local need and context.

Examples of Community Hubs

Some local ones....

South Shropshire Furniture Scheme - <http://www.furniturecheme.co.uk/>

The Mayfair Community Centre - <http://www.mayfaircentre.org.uk/>

The Pheasant pub at Neenton - <http://www.pheasantatneenton.co.uk/>

And some further afield..

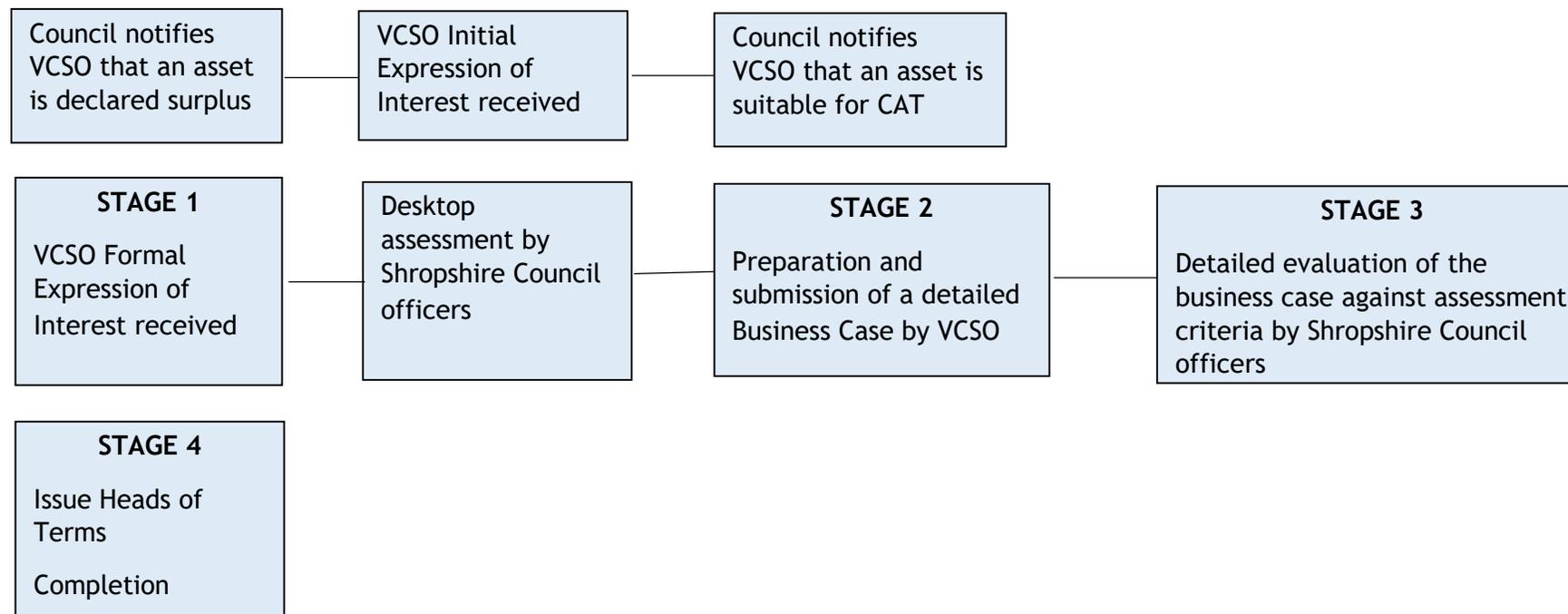
Campaigning, Hebden Bridge Town Hall - <http://www.hebdenbridgetownhall.org.uk/about>

Grassington Hub - <http://www.grassington.uk.com/grassington-hub/4564463593>

Public Sector Spin out, The Angel Centre - <http://www.theangelcentre.org.uk/about-us/>

Stage 1- Initial expression of interest

Please refer to the following flowchart for the various steps in the Community Asset Transfer process.



You will need to tell Shropshire Council:

1. What plans you have to use and develop the asset or service and,
2. What benefits this will bring to the local community

In order to demonstrate that this asset or service will be used for the benefit of the local community you will need to gather information about services in your local community and ask local people what they feel is required and how this asset or service will benefit them. Find out if there are existing local town and parish plans and what has been prioritised within these.

Speak with your local town or parish council, local voluntary community sector organisations and business community to find out what they think and how they can help.

Who is your community and how can you involve them?

Involving your community in the development of a community-owned asset or a new service is essential and the best way to do this is to develop a Community Engagement Plan that describes who you will need to talk to.

Make sure that you know who is and who isn't part of the community that and will be involved in shaping, running and benefiting from your service or community asset.

You may want to:

- Design a questionnaire
- Form a team of volunteers
- Knock on people's doors to ask questions, complete surveys, etc.
- Organise events or meetings. Make refreshments or snacks available as an incentive for people to come along or promote the social aspect
- Arrange creative and participative activities to engage with people

A really important element of your plan should include:

- How you are going to make decisions about what people suggest to you.
- How you will let people know what you are doing as a result of their input.

Why?

Think very carefully about what you want to know from your community. Do you want their **opinion** on an idea or vision or do you want them to **generate ideas** about what needs to be done? Think about getting people involved in stages, record details of interested people/organisations for future workshops.

Who?

Brainstorm who in the community you want to involve, where they can be found and how you will make contact with them. Think about the people in your community who might have the skills you want and who might agree to help.

Useful Models and Approaches

- Community Organising <http://www.corganisers.org.uk/> - starts on the doorstep with a deep conversation about “what I care about” and “what motivates me” and then “helps me to take action through linking me with other people and groups”.
- Volunteers <https://www.ncvo.org.uk/practical-support/volunteering> - create and advertise volunteering ‘roles’ and match people into them. This can also be used to recruit Trustees.
- Work experience - link with employment and training agencies to offer relevant work experience for defined time periods - usually short term.
- Fundraising groups - combines social events with raising funds e.g. Rotary Club. The most common form of ‘episodic’ volunteering.
- Community consultation <http://mycommunity.org.uk/wp-content/uploads/2016/01/Neighbourhood-planning-community-consultation-final.pdf>- a form of market research asking people about what services they want to see provided and would use. Can be done face to face or online or phone.
- Time-banking <http://www.timebanking.org/> - a form of exchange based on time. Each hour of voluntary help I contribute within the local community, equals one time-credit. I can exchange it for an hour of help from someone else. In some schemes I can also exchange it for a service e.g. an hour of swimming.
- Community Shares <http://communityshares.org.uk/> - I buy a share in the community hub which gives me a financial stake and a direct say in its running as a member. I may get a share in the profits in the future.

Impact?

You will need to think about the positive impact that taking over the asset or service will have on the local community and how you will be able to demonstrate that, this is often called **Social Impact**.

It’s important to understand what difference your activities are making to the problem that you are trying to solve. For example, does helping residents to improve their working skills result in positive employment outcomes? Do community events help to reduce social isolation? Does investing in public spaces help communities to thrive?

Understanding the impact of your organisation has lots of benefits. It can:

- Help in **planning** your work - if you have worked out what impact you want to have and what impact you are having, it will be a lot easier to see what is working and where the gaps are, and a lot easier to plan your future actions to achieve clear and relevant outcomes

- Help in **evaluating** your work - when you know what impact you would like to have and what changes you'd like to help bring about, you can make much better judgements about whether you are doing a good job or not and identify how the different aspects of your service contribute to positive changes
- Help in **promoting** your organisation - when you know what sort of impact you have you can talk confidently about the difference you make and you can really celebrate your achievements.

There are other advantages too:

- Build a shared understanding of what you are doing. By working on the impact assessment with your colleagues and trustees they will see that tasks are worthwhile and gain credit for what they do
- Make best use of resources including money, skills and time to develop aims which are SMART: Specific, Measurable, Attainable, Realistic and Timely
- Build credibility with your funders. Feedback from community organisations increasingly tells us that the funding and commissioning landscape is changing. Funders are beginning to ask more searching questions about the difference that community organisations are making in their neighbourhood, whether they are doing what they claim to be doing, and what the overall benefit is to service users

For more information on demonstrating impact and how to develop and show social value visit the Council's "Doing Business with the Council" web pages - <http://www.shropshire.gov.uk/doing-business-with-shropshire-council/>

Other useful references for demonstrating social impact include:

<http://inspiringimpact.org/listings/>

<http://www.goodfinance.org.uk/measuring-social-impact>

Stage 2 - Formal Expression of Interest

If you are invited to submit a formal expression of interest following your initial expression of interest, you will need to tell Shropshire Council a bit about your organisation; what it does, who runs it and what type of legal structure it has.

Developing a Vision and Mission Statement

A mission statement describes the reason that your organisation exists

- It should be short, punchy, memorable, clear and concise

A vision statement describes the long term change resulting from your work and what your organisation is going to do to bring about your vision

- It should be active, short and focussed, realistic and achievable

Here is Shropshire Council's vision and mission statement:

Vision - our vision guides how we go about doing our work. *Working to make Shropshire a great place to live, learn and work.*

Mission - our mission makes clear the key things that we will do, based on our long term, high level outcomes.

To be an excellent organisation working with partners to protect the vulnerable, create the conditions for economic growth, and support communities to be resilient.

The Council also has a marketing strapline and set of values to support the vision and mission.

Strapline - *Working in partnership to create healthy, resilient and prosperous communities.*

Values - our values drive our behaviour and demonstrate to our communities, our staff and our partners what we see as being important. These are in alphabetical order, because they are equally important:

Value	Description
Environment	Leading the way in protecting, enhancing and valuing our natural resources.
Equality and inclusion	Treating everyone as equal regardless of their circumstances and backgrounds, and identifying and helping people who may need support.
Excellence	Striving for excellence in every aspect of what we do, and using our resources wisely and responsibly in partnership with others to maximise their impact.
Fairness	Being fair, open and honest, acting with integrity, and expecting the same in others.
Innovation	Striving to improve, to learn from others, to encourage entrepreneurship and to explore new approaches with enthusiasm.
Listening	Demonstrating that we are listening and responding to communities, partners and staff, and treating views with respect.
Partnership	Working collaboratively with communities and partners to benefit the people of Shropshire.
Self-reliance	Encouraging people to be as independent and in control of their lives as possible, for as long as possible.

Aims and Objectives - setting your priorities

Aims and objectives help you to define where you want to be strategically and how you are going to get there in practice. They allow you and your team to understand and communicate clearly what your organisation is all about.

Your strategic aims help to explain your vision and mission.

Your objectives are specific statements that define the practical steps you will take to achieve your aim(s). Objectives are about what your organisation is intending to do in the short to medium term and *how* it is going to create change. Good objectives should be SMART:

- Specific - you should know when an objective has been reached by making it as definite as possible
- Measurable - you should be able to measure whether the objective has been achieved
- Attainable - the target must be possible to achieve
- Relevant - it should form part of the business's overall aim
- Time-related - the objective should be achieved in a specified time period

A Logic Model can be a good way of mapping this out for your organisation. Fundamentally a Logic Model is about:

- Showing what is wrong
- Explaining the steps that will be taken to correct this
- Describing the outcome if these steps are successful.

A Logic Model tells the story of your project or programme in a diagram and a few simple words. It shows a causal connection between the need you have identified, what you do and how this makes an impact for individuals and communities.

For a more detailed explanation of Logic Models visit - http://mycommunity.org.uk/wp-content/uploads/2015/03/Our-Place_Logic-Models-guide-June-152.pdf

An example of a logic model is given on the following page.

Our Place Logic Model Examples

Example 1

Conditions

Local context - High Unemployment - 25% of 16 to 74 year olds in the ward have never worked in comparison to 8% in England. 50.5% of 16 to 74 year olds have no qualifications in comparison to 28.9% across England. 2,773 people in the ward have a long term health issues that limits their day to day activities. High levels of diversity - Non-White British population is 81.4% in the ward compared with 20.2% in England. Large mix of new, emerging and established communities across ethnic groups. High levels of deprivation some LSOA's in ward placed in top 1% of most deprived neighbourhoods. Rapidly increasing population - new housing developments - new 700 bed acute hospital being built by 2019
Policy context - Local Authority need to find solutions to escalating costs of health and social care. Local authority and CCG's focused on prevention work through a pilot called Community Offer. No current desire within LA for innovation for those with personal care budgets. Need solution to long term entrenched unemployment rather than short term programmes provided by those operating under payment by results. Need to connect new, emerging and established communities.
What is needed for change to occur - Find solutions within the local neighbourhood and develop an Asset Based Community Development approach utilizing the incredible diversity of the area. Pilot new approach and use pilot to co-design social care approach with LA. Rekindle the inventive, innovative and inspiring community spirit of Smethwick.

Intended Impacts

- An exemplar community for dealing with diversity and integrating new, emerging and existing communities across ethnicity and background
- A connected community that looks out for each other and reduces social isolation and loneliness
- People currently needing services moving away from dependence to interdependence
- A rekindled spirit of enterprise that honours the heritage of the area as a place of innovation.
- Long Term financial savings for NHS, Local Authority, CCG's and individual GP Practices
- Reduced Hospital Waiting times as residents are more likely to go back home with additional support
- Reduction in trips and falls in the home
- Reduce the usage of Hospital Based Services (A&E) by XXX residents

Programme objectives

- Reducing social exclusion and isolation for the most vulnerable people living in XXX
- Development of a network of local volunteer community supporters
- Engage the network of local volunteer community supporters in both the prevention agenda (local authority community offer) and the living plan approach (national CPCE model)
- The development of community hubs to help residents begin new enterprises and/or increase their opportunities for employment.
- The creation of cohesive and supportive community with a strong identity.

Intended outcomes

- Increased quality of life for 100 residents supported through the Living Plan model
- Reduced social isolation for 450 people through the client support plan
- 150 people actively engaged in supporting vulnerable people within their own community
- 500 people accessing support around employability and gaining new skills through Hubs
- 3 Micro Enterprises providing at least 50 people with access to apprenticeships, work tasters and employment
- People who deliver Community Support more likely to move towards employment
- All ages able to contribute to finding solutions to challenges that exist in the local area
- People connected through Hubs sharing skills and fostering good relationships amongst new, emerging and existing communities
- Increased sense of community spirit
- Increased sense of pride in the local area

Rationale

- Need to reduce demands on health and social care services
 - Need to address overall quality of life issues rather than simple care plans
 - Local people supporting each other
 - People moving from dependence to interdependence
 - Need for skills to be shared through hubs and network of community supporters

Inputs

- Service Level Agreement to deliver Client Support Plans (Value- £100k)
 - Volunteer time of Community Supporters
 - Use of XXX Skills Centre as a larger Hub
 - Access to community centres as smaller hubs
 - Locality Grant
 - Community First Grants (£5k)
 - Potential Social Investment for Living Plan Model (Potential Value - £150k)
 - Seek further funding for Hubs/Micro Enterprises (Potential Value - £50k)

Activities

- Delivery of Living Plans
 - Delivery of Service Level Agreement (Client Support Plans)
 - Ongoing recruitment and training of Community Supporters
 - Seeking resources for Living Plan/Hubs/Micro Enterprises
 - Community Hubs established to share skills and develop micro enterprises
 - Employ project staff
 - Implement marketing and communications plan

Outputs

- 100 people supported through Long Term Living Plans (dependent on Social Investment)
 - 450 people supported through Client Support Plans
 - 150 people engaged as Community Supporters providing over 15,000 hours of support per annum
 - 500 people accessing local hubs (dependent on funding/investment)
 - Develop 3 Micro Enterprises (dependent on funding/investment)



Legal Structures

When deciding upon which is the most appropriate legal structure for your organisation, it is important to ensure that you think first about what you want to achieve and then think about which legal structure would be most suitable. Essentially, your legal form simply provides a vehicle to enable you to do what you want to do (your aims and objectives).

The structure that is chosen for the organisation needs to be able to:

- Reflect the principles and values of the organisation (e.g. if it wants to involve all the people who live and work in an area it may want an open membership base that reflects this).
- Allow the organisation to actually do what it wants to do (i.e. if you want to undertake profit making enterprises, registering as a charity may not permit this unless you also have a non-charitable subsidiary).
- Enable the organisation to appoint staff and enter into contracts.
- Protect the members and board members of the organisation (i.e. if the organisation is going to develop new buildings for community use, it will want people to be protected against personal liability where building contracts go pear-shaped or staff make a claim in the Tribunal).
- Enable the organisation to build the partnership it wants (i.e. it can actively involve different partners in the management of the organisation).
- Allow the organisation to raise the funds it will require from all the different sources available (e.g. charitable trusts, public sector grants, loan funds etc.).

Locality has written a guide to the legal requirements of setting up a community organisation -

<http://locality.org.uk/wp-content/uploads/Choosing-a-legal-structure-toolkit.pdf>

Policies and Procedures

Community organisations need to have an agreed and signed off policy and a procedure explaining how it will operate as an organisation. These not only set out your statement of intent but support the Management Committee or Board to make informed decisions if there is a matter of dispute about whether or not these have been adhered to.

New organisations should start with the policies and procedure they need rather than trying to cover all areas. Shropshire Council will want to know that you have policies and procedures covering:

1. Equal opportunities

2. Health and Safety
3. Volunteering
4. Financial management
5. Insurance

You should also have policies and procedures covering confidentiality, data protection and children and vulnerable adults safeguarding.

Vol resource has produced a checklist for organisations starting with the basics and lists useful resources for you to use when developing your policies and procedures <http://vr.volresource.org.uk/org/policieschecklist/>

Community Matters has prepared sample documents for organisations to use which can be found here - <http://www.communitymatters.org.uk/content/465/5-Policy-Matters>

Transfer of Staff and Pension Considerations (TUPE)

TUPE and pension considerations are complex. This is a summary of the main provisions. If TUPE could apply to your service transfer please seek professional advice.

For any organisation considering bidding for a contract, buying or taking over a business or service or building from which services are delivered the implications of the 'Transfer of Undertakings (Protection of Employment) Regulations 2006' (generally referred to as TUPE) and the various regulations, statutes and case law that surrounds it need to be considered.

TUPE is designed to protect employees when a significant change in their circumstances meets TUPE requirements and is a '**relevant transfer**'. The definition of employee under the TUPE regulations includes, "any individual who works for another person, whether under a contract of service or apprenticeship or otherwise but does not include anyone who provides services under a contract for services." Therefore it will include people who work under a contract such as local government workers and civil servants, but will not include independent contractors (self-employed).

A relevant transfer can take place in a number of ways; these can be grouped into two categories and include:

Examples of Business transfers	Examples of Service provision changes
When all or part of a business is sold as a going concern.	Where the provision of a service (for example catering, cleaning, security) is brought back in house.
<p>Where an economic entity (which includes premises, assets, fixtures and fittings, good will, as well as employees and other things) that is situated in the UK transfers to another person/organisation and retains its identity after the transfer. (i.e. what was it doing before the transfer, how different is the new entity?) A part of a company can also be an economic entity.</p> <p>There must be what is referred to as a transfer of an “economic entity” which is defined as “an organised grouping of resources which has the objective of pursuing an economic activity, whether or not that activity is central or ancillary.” An economic activity does not have to be an activity that is making money, it can be a not for profit service.</p>	Where services are outsourced to a contractor.
Where a lease or license is granted or taken over and the same business is operated from those premises.	Where a contractor loses a contract and another contractor is appointed, (whether this is through a tendering process or not).

How does TUPE protect employees’ rights and who will transfer?

The staff affected by the transfer will automatically become employees of the new employer on the same terms and conditions (except for certain occupational pension rights). In essence the new employer takes on their contracts as if they have always been employees of the new employer. Any claims against their old employer will transfer to the new employer and any contractual rights they were entitled to (with the exception of some occupational pension rights) will transfer too.

Briefly, the employees who will transfer are those who immediately before any transfer are “assigned” to the business/service transferring. If a contract (or part) transfers, the employees that transfer are those that are part of “an organised group of employees whose principal purpose is to deliver the contract”.

We have agreed a relevant transfer applies what next?

There are specific requirements on the **Transferor (old employer) and the Transferee (new employer)**.

The Transferor - old employer has a duty to provide the information listed below, generally in writing, at least 14 days before the transfer:

1. Name and age of employee(s)

2. All the written particulars of employment an employer is obliged to provide on commencement of employment such as an employment contract or statement of terms
3. Information on any disciplinary or grievance that could result in a claim
4. Information on any court or tribunal claim against the transferee in the last 2 years or which they have reasonable grounds for believing may be brought
5. Information on any collective agreement which will apply after the transfer

On transfer date all personnel files should be handed over to the transferee.

Consultation

Both old and new employer need to consult with their own staff who will be affected by the transfer. If there are no employee representatives/trade unions then TUPE means that the affected employees must be given the opportunity to select representatives in accordance with TUPE approved process.

TUPE transfers and pension schemes

TUPE ensures that the contracts of employment of staff do not terminate but are preserved. The pre-transfer contracts are regarded as having effect after the transfer as though they had originally been made between the staff member and the new employer.

Occupational pensions

The only exception to this rule relates to pension rights which are not transferred. There is a measure of protection for pensions where there is a transfer. Where employees previously had access to an occupational pension scheme and the old employer made contributions, then the new employer must offer a scheme and make contributions of up to 6%.

Pensions and public sector staff

Where staff transfer (or originally transferred) from the public sector, then it may be necessary to offer a pension arrangement that is broadly comparable to the relevant public sector pension scheme. Local authorities are obliged to incorporate the Statement of Practice on Staff Transfers in the Public Sector into their contractual arrangements with community based organisations where a service or function is being taken over. When this Statement is incorporated there is an obligation on the community based organisation to provide transferring staff with continued access to the Local Government Pension Scheme or an alternative good quality pension scheme (that has benefits that are broadly comparable to or better than those they have already as an employee of the local authority). It should be noted that early retirement rights do transfer regardless of whether the Statement is incorporated.

This is generally a significant liability for a community organisation to take on. There will be flat rate employer contributions to be paid, the local authority will be able to inform the community organisation what this is at the time of the transfer but the contribution rates can

be increased. The flat contribution rate is assessed every 3 years and either increased or decreased. In the current climate it is likely that there will only be increases to it.

If the community organisation cannot afford to take on this liability, apart from not taking on the service or the building at all (and therefore not taking on the staff), the liability can be reduced by the local authority bearing all or some of the risk.

Employee transfer agreements

This is an agreement negotiated between the transferor and transferee to apportion the liability between the parties. If no such agreement is negotiated the transferee will accept all liability, this is the standard position with TUPE. It is advisable for a transfer agreement to be entered into in respect of all business transfers to help to minimise issues later down the line.

If a local authority wants to take on any liabilities to ensure the transfer is more manageable for the community organisation it would be via a transfer agreement.

For more information, case studies and FAQ's about TUPE see:

<http://locality.org.uk/wp-content/uploads/TUPE-guidance.pdf>

<https://knowhownonprofit.org/funding/public-sector-delivery/content/tupe-transfer-of-undertakings-protection-of-employment-regulations>

If you think that TUPE may apply you should seek professional advice

Volunteers

Your organisation may need to recruit and manage of volunteers to support your project or to deliver services. They bring additional resource, knowledge and enthusiasm.

It is important to treat volunteers as you would employees and that they are clear about their roles and they support they can expect from your organisation. Those who donate time want to know it is well spent, that work is well organised and their contribution is valued. You will need to have systems and procedures in place to ensure your volunteers have a great experience and contribute effectively.

For more information about how to recruit and manage volunteers see:

<http://locality.org.uk/wp-content/uploads/Volunteering.pdf>

Local support is available via many community centres. Examples are:

<http://qube-oca.org.uk/volunteering>

<http://www.shropshire-rcc.org.uk/>

Business Planning

A business plan is a document that describes an organisation's current status and plans for the future. It describes a business, its objectives, its strategies, the market it is in and its financial forecasts.

Shropshire Council will want to see your business plan for the asset or service so that they can see that you have considered:

- Potential risks and how you might address them
- Your budget and how you will finance the asset or service
- What your plans for development are
- What success looks like and how you will measure it
- That the proposals for your business/organisation are sustainable and that it is ready to take on and manage an asset in the future

An example of a business plan template can be found here:

https://thekeyfund.co.uk/wp-content/uploads/2014/09/key_fund_business_plan.pdf

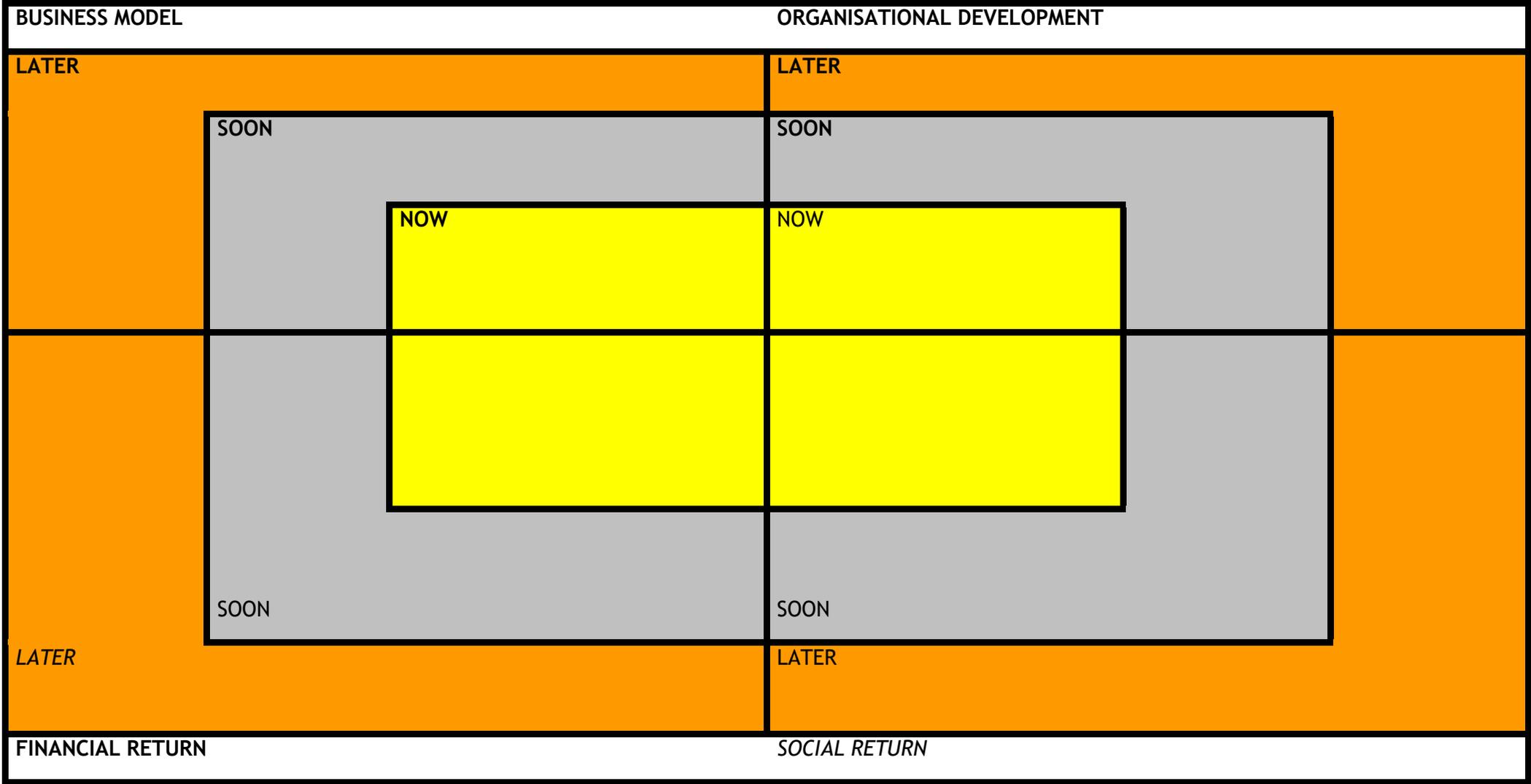
Locality uses a **balanced scorecard** to help the business planning process. The simple tool, designed to fit on one page, supports conversations about the organisation's strategic plan. It provides clarity of current service provision thereby establishing organisational credibility as well as working through finances, social outcomes and business streams for now and in the medium and long term.

A template for the balanced scorecard approach is included on the following page

Docs to also be included:

Balanced scorecard hints and tips

Business planning templates and resources



Budgeting

A budget tells the story, in money terms, of what your organisation plans to do over the coming year. It is an estimate of how much money you need - proper budgeting will help ensure that you don't run out of money or face unexpected costs during the year ahead. It will help you to make financial decisions and to keep control during the year.

In creating a budget:

- Draw up a list of everything you'll need to run the project - and then try to put a cost against each item or activity. The more detail you can provide, the better.
- You should include people, building and service costs
- Creating a budget to show your project's expected income and expenditure over the next few years
- When your budget is first drafted it's likely that it will show a deficit. This will give you a clear idea about how much needs to be raised through fundraising, grants and/or contracts

For a cash flow forecast template visit:

<http://thekeyfund.co.uk/community/business-planning-tools/>

Income generation for community hubs and libraries

The main areas of income include: service contracts, grants and fundraising (through a Friends of group), retail and fee paying services

Some examples include:

- Creative workspace/hot-desking
- Community events and fundraising; author events, arts and crafts classes, technology and gaming
- Community cinema
- Advice and information contracts
- Holiday clubs

Here is a link to some work Locality has done on income generation in libraries

<http://locality.org.uk/projects/community-libraries/>

Partnerships and Collaboration

In some cases it may not be possible, or the best option for one organisation to take on an asset or service and it may be beneficial to work with other potential partners to develop new approaches. Solid collaboration can strengthen the power of individuals, organisations and communities. However, collaborative working is not always easy: there are a range of approaches, motivations and outcomes, and often it is the people and power dynamics that can determine whether a collaborative venture succeeds or fails. It can help to work with an independent person who can act as an 'honest broker' and work through the various stages of partnership development. It is important to note that successful partnerships often are based on relationships of trust and clarity and can take a long time to build up.

You might find this simple set of principles useful:

1. Collaborative working is essentially an arrangement that should enable those taking part to deliver their mission more effectively and make service improvements.
2. There needs to be clear and measurable benefits desired by each organisation that will lead to service improvements. These benefits are not necessarily the same for each partner, but should be acknowledged and understood by all.
3. Collaboration aims will relate to a shared operational activity, delivered on behalf of the collaborating group.
4. The partnership must develop and set a strategic direction for its shared operations in order to deliver individual service improvements for partners.
5. Individual organisations will need to satisfy themselves that the benefits are worth the investment in the collaboration and are in line with its mission.

Key Actions for partnership development include:

- Developing a shared purpose, a clear vision and a strategic plan
- Undertaking a risk assessment
- Developing a monitoring and evaluation framework
- Identifying and recommending an appropriate legal structure
- Developing partnership agreements
- Developing membership criteria
- Agreeing roles and responsibilities
- Understanding different organisational cultures
- Dealing with conflict and building relationships

Locality's Collaboration for Communities resource has been developed to guide facilitators of collaboration through the several stages of supporting a collaborative venture. It sets out the key issues you will face and provides a framework for organising and planning your support.

<http://locality.org.uk/resources/collaboration-communities-giving-power-partnership/#sthash.GZAC6YmY.dpuf>

This community planning toolkit works through the advantages and ways in which partnerships can work better

<http://www.communityplanningtoolkit.org/sites/default/files/WorkingTogether.pdf>

Where to Get Help

Taking on assets and services isn't easy and requires considerable commitment and courage. Some sources of help are provided below.

For general advice and help contact:

Shropshire Council Community Enablement Team

communityenablement@shropshire.gov.uk or 01743 253077

Shropshire Association of Local Councils

alc@shropshire.gov.uk or 01743 252744

Voluntary Community Sector Assembly

vcsassembly@shropshire.gov.uk or 01743 258521

Shropshire Providers Consortium

info@spconsortium.co.uk or 01743 367758

All of the guidance and forms on both the Community Asset Transfer and Community Right to Challenge processes are available at <https://www.shropshire.gov.uk/doing-business-with-shropshire-council/>

For further information on the Community Asset Transfer process contact:

CommunityRight@shropshire.gov.uk or 01743 281014

For further information on the Community Right to Challenge process contact:

procurement@shropshire.gov.uk or 01743 252993