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Community Business and the Social Value Act

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About this report

Power to Change commissioned two independent researchers to undertake research to explore views of the Social Value Act among community businesses in early 2017. The Public Services (Social Value) Act came into force in January 2013. The Act requires commissioners of public services in England and Wales to consider the social, environmental and economic benefits of the contracts that they tender. Although the inclusion of social value in commissioning is not compulsory, the Social Value Act provides a mechanism for commissioners to place more emphasis on social value. This means that Voluntary, Community and Social Enterprise (VCSE) organisations are, in theory, well placed to bid for public sector contracts and demonstrate the value they provide for their local area. Power to Change was interested in understanding whether this is indeed the case, and the extent to which the Social Value Act has impacted on the community business sector to date.

The research involved a rapid review of relevant literature alongside qualitative interviews with 10 relevant stakeholders and 11 community businesses. This report summarises the research and is designed to provide an indicative overview of views to help Power to Change consider its response to the next review of the Act that is due to take place in 2017. The authors are enormously grateful to the participants who gave their time to be interviewed for this study. All errors or omissions are the authors' own.



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Executive Summary

The Public Services (Social Value) Act 2012 encourages commissioners of public sector contracts to consider social value through the tendering process. One of the aspirations for the Act was that it would create a more level playing field for organisations in the Voluntary, Community and Social Enterprise (VCSE) sector who want to bid for public sector contracts. Four years after the Act became law, Power to Change commissioned this research to explore if, and to what extent, the Act has so far impacted on the community business sector in England.

Knowledge and application of the Social Value Act is by no means universal and there is consensus among existing literature that much more could be made of the Act and of social value within the commissioning process generally. Our research supports existing data and suggests that knowledge and awareness of the Act among community businesses is generally low but also that levels of knowledge are directly linked to the type and size of the business and the likelihood of the Act being applicable to them. The community business sector is very diverse and the Act is more relevant to larger businesses and those operating in a space previously inhabited by the public sector as these types of business are more likely to bid for public sector contracts.

Among community businesses and stakeholders, the aims and principles of the Act are seen as universally positive. However, views of the Act itself are variable. At one end of the spectrum the Act is considered tokenistic, at best. At the other it is seen as having made a real difference to the VCSE sector. The influence of the Act on the commissioning process is considered limited where there isn't already an appetite for implementing social value. However, there is also a clear sense that things would be bleaker without the Act and that it is at least requiring commissioners to consider social value. So, while the Social Value Act may not have created a step change in commissioning, it is credited with having helped re-frame commissioning conversations. This research also indicates that the Act has so far had little or no influence on community business choices. Community businesses that are tendering for contracts say that they would have done so even if the Act hadn't existed. However, it is apparent that while the Act itself hasn't influenced community business choices, positive partnerships with local authorities and other commissioners may have.

The research identified four key barriers to the Act being more effective. These were:

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- 1. Commissioning pressures:** budget and resource cuts can mean that councils have less time to consider how best to implement the Act.

 - 2. Risk-averse councils:** in a context of increasing pressure councils are often minded to go with a larger, known contractor than a smaller unknown.

 - 3. Procurement practices:** the division between forward-thinking commissioning teams and pressured procurement teams can be a real barrier.

 - 4. Insufficient mechanisms for supporting or monitoring the Act:** guidance accompanying the Act isn't clear enough and there is no central data to monitor its progress.

Three barriers to VCSE organisations bidding for public sector contracts were also identified:

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- 1. Increase in larger contracts and rigid procurement processes:** smaller VCSE organisations struggle to respond to larger tenders on tight timescales even as consortia.

 - 2. Lack of expertise:** many smaller VCSE organisations simply don't have the experience or resource to respond to tenders, having previously relied on grants for funding.

 - 3. Austerity:** the current pressures on councils means they can have less time to engage with local stakeholders and provide guidance on procurement.

Beyond these barriers, the ongoing challenge of how to measure social value was also identified as an issue. This is considered problematic for a range of reasons including the difficulty of defining social value in the first place as well as the large range of measurement approaches available and the lack of relevant expertise in some VCSE organisations. There is a general call for greater guidance on how to approach measurement and more training and guidance around this issue from central or local government. The most effective route to implementing and measuring social value was felt to be keeping it simple and focusing on the local community strategy so that there could be a measurement against local need.

There is a high level of consensus about what could improve the Social Value Act. Specific suggestions include:

- **Extending it beyond services** to include goods and works.
- **Lowering thresholds** so it applies to lower value contracts.
- **Making it compulsory** so that commissioners have to do more than just consider social value.
- **More support, guidance and monitoring** to accompany the Act.

However, one of the clearest messages from this research is that for social value to really take hold in an area, there has to be the right set of local conditions. Local areas need a clear place-based approach where local authorities display strong leadership and develop a clear social value strategy in partnership with a thriving and engaged local VCSE sector. It is in these circumstances, where commissioners and local organisations are equally committed and working together on local priorities, that social value can be most successfully embedded into the commissioning process.

1. Background

The Public Services (Social Value) Act 2012

- The Act, commonly referred to as the Social Value Act, became law on 31 January 2013. It requires people who commission public services in England and Wales to think about how they can also secure wider social, economic and environmental benefits.
- The Act asks commissioners to consider social value. To comply with the letter of the Act, commissioners therefore only need to show that they have thought about these issues and have thought about whether they should consult on them.
- The Act only applies to the commissioning of services above the Official Journal of the European Union (OJEU) procurement threshold. This is currently £106,047 for central government bodies and £164,176 for other bodies (including local authorities).
- Although the Act only currently applies to services commissioned above the threshold, commissioners are allowed and encouraged to apply the Act more widely, to goods and works and to contracts below the threshold.

Research on the impact of the Social Value Act to date has been limited but targeted. In 2015, a review of the first two years of the Act, led by Lord Young, found three main barriers that were limiting the impact of the legislation. These were; awareness of the Act, a varying understanding of how to apply it, and an under-developed method of measuring social value amongst local authorities (Cabinet Office, 2015). Lord Young's review concluded that these barriers should be addressed and a further review of the Act carried out in two years' time. Other research has focused on how the Act is being applied by commissioners and has sought to measure levels of awareness and application. This includes reviews by the National Council for Voluntary Organisations (NCVO) and Social Enterprise UK (SEUK), the most recent of which involved Freedom of Information (FOI) requests to local authorities to explore how they are currently using the Act (Butler, 2016). That research found that there has been a gradual increase in the numbers of councils using the Act but that adoption is by no means universal and that the ways in which local authorities have responded to the Act varies hugely, ranging from those who go way beyond the legislation to those who have no social value policy or activity.

There is also a body of work that looks at commissioning more broadly and how that is, could or should be shifting. This considers the issue of social value and how it could be better embedded into commissioning. There is consensus among the literature that much more could be made of the Social Value Act and of social value within the commissioning process more generally (for example, Lloyds Bank Foundation, 2016; Department for Health et al 2016; Temple, Wigglesworth and Smith, 2014).

To date, limited work has been done with the Voluntary Community and Social Enterprise (VCSE) sector on its experiences of the Act and almost nothing with community businesses specifically. What does exist includes questions on SEUK's survey of social enterprises around awareness of the Act and experiences of the Act in procurement (Villeneuve-Smith and Temple, 2015). Social Finance has also carried out two recent reviews of the community business sector for Power to Change. These reviews included surveys with community businesses. While they didn't include specific questions on the Social Value Act itself, the authors noted that it wasn't raised spontaneously during the research suggesting that the Act has so far had limited relevance for the sector (Hull, Davies and Swersky, 2016).

The Social Value Act has been implemented at a point when the overall picture for community businesses is positive; evidence suggests that despite austerity and a range of other challenges the sector as a whole remains resilient. Social Finance estimates that the sector grew by 5% between 2015 and 2016 and reports that community businesses themselves are positive about the future. However, experiences for community businesses vary hugely across the 15 different sectors currently recognised and are dependent on a range of factors including their size, location and way in which they engage with their local authority (Hull, Davies and Swersky, 2016 and Gilbert, 2016).

In relation to this project, which focused on all community businesses, it is important to note upfront that the diversity of the sector means that the Social Value Act has varying applicability. A large proportion of community businesses are very small or just starting out and tendering for public service contracts is not a consideration for them. Likewise, there are some community business sectors that are more likely to tender for contracts than others. Community pubs or shops, for example, are unlikely to be bidding for public sector contracts. However, community businesses which operate in a space previously inhabited by the public sector, such as health and social care, transport or housing might find themselves more likely to be in a position to bid for contracts. For organisations that do seek public sector funding, the commissioning landscape is varied and experiences will differ hugely depending on the size of the contract, approach of the commissioner and geographical location. This research aims to provide a flavour of some of this diversity and insight into the views of community businesses in a range of circumstances.

2. Research aims

In commissioning this work, Power to Change was seeking an overview of the evidence to date about the impact of the Social Value Act as well as wanting to hear views and experiences directly from community businesses in England. This was designed to be an indicative piece of work, with the dual purpose of providing Power to Change with some evidence to feed into the next review of the Act and initiating a conversation about the Act between Power to Change, the community business sector and policy makers in central and local government.

The core aims of the research were:

- To deliver an indicative picture of how the Social Value Act is currently perceived and engaged with among community businesses;
- To get a general view of the Social Value Act from the wider community of community businesses and stakeholders; and
- To explore the extent to which the Social Value Act is currently having an impact on the choices that community businesses make.

Beyond that the research also sought to explore:

- The relationship between the Social Value Act and community business interest in public service contracts; and
- How community businesses measure and communicate their social value.

3. Methodology

A rapid review of existing literature was combined with qualitative research to answer the research questions in this project. The rapid review was carried out through internet searches of relevant literature alongside recommendations from Power to Change and stakeholders taking part in the qualitative research. The literature review was designed to provide context for the qualitative research and supplement the qualitative data rather than be a comprehensive exercise in its own right. The search focused on literature dating from 2013 when the Act was implemented.

Qualitative research with community businesses and sector stakeholders formed the bulk of the research. Qualitative research is an ideal methodology to employ when views, attitudes and experiences are being sought, because the data collection allows for in-depth exploration of participants' responses. Telephone interviews were conducted between January and March 2017 with a sample of 10 key stakeholders and 11 community businesses (see Appendix A for a breakdown of the sample achieved).

Stakeholders were identified through a combination of:

- Suggestions by Power to Change;
- Umbrella organisations representing a variety of community business sectors; and
- Snowballing: asking participants to identify other key individuals with expertise in the area.

Two local authorities were included within the sample to help reflect the commissioner view. However, because of the tight timescale these local authorities were necessarily more engaged with social value than many councils are so the sample lacks diversity in that respect.

Community businesses were sampled according to key criteria agreed with Power to Change. These were: sector, location and size. These criteria were chosen because they were considered to have a potential impact on views and experiences of the Social Value Act. Quotas were set for each of the key criteria in order to ensure diversity in the sample. Community businesses were identified in a number of ways:

- 'Free' internet searches;
- Identification from existing lists such as the Power to Change grant recipients and SEUK membership lists; and
- Snowballing, where one community business or stakeholder suggested other businesses for us to speak to.

For the purposes of this project, community businesses were defined by the same terms as are identified in Social Finance's annual review of the sector for Power to Change (see Hull, Davies and Swersky, 2016).

Participants were approached by email, stating the aims and objectives of the research, who the project was funded by, who was leading it and explaining what taking part involved. This included information about confidentiality, anonymity and data security in order to gain meaningful informed consent from participants. Stakeholders were advised that due to the relatively limited pool of experts, with permission, they would be named as participants in the sample table, but that quotes used would be anonymised. Community businesses gave consent to participate anonymously and confidentially.

Interviews were conducted with topic guides agreed with Power to Change. Topic guides set out the key areas to be covered in interviews, but allow flexibility to explore key areas of interest and unanticipated issues. The topic guides covered all the key research aims but differed slightly for the different participant groups (the topic guide used for community business interviews can be found at Appendix B for reference).

Interviews typically lasted between 30 and 45 minutes and were audio recorded with participant permission to allow for accurate and robust analysis. Permission was also sought for interview notes (anonymised for the community businesses) to be shared with Power to Change because these may provide additional value to Power to Change in the future.

The framework method of analysis was used to analyse the qualitative data. This involves summarising the data from each research interview into a thematic framework. Columns represent themes and each participant's data is summarised (charted) across the row. The strength of this approach is that it enables systematic and comprehensive analysis of the complete data set in a manageable way. Analysis can be done both thematically or individually. The same approach was used to identify the key themes arising from the existing literature so that the primary (qualitative) and existing (literature) data could be analysed together.

Limitations of the research

The strength of qualitative research lies in its ability to provide explanation and understanding of the subject being researched. The combination of both stakeholder and community business interviews has allowed this project to identify the overarching themes as well as provide some examples of what these themes looked like in practice. However, it is important to note that due to the limited time available to conduct this research, the sample was selected with a view to being illustrative and indicative rather than representing the full range and diversity of the sector. This is particularly relevant given the range of community businesses in terms of size, location, turnover and type of business. Likewise, time constraints have limited the amount of analysis possible and this report represents high level analysis of the data. Having said that however, some very clear themes were identified and echoed across qualitative participants and the existing literature. The inclusion of stakeholders with overarching understanding of community businesses combined with examples from those businesses operating on the ground gives us confidence that these high-level themes will be generalisable to the wider sector, even if the granularity of individual experiences varies.

Terms used in this research

While the focus of the research was on community businesses; stakeholders and community businesses alike tended to speak about VCSE organisations overall on many occasions. Where findings relate to community businesses specifically, this is identified in the report, otherwise the findings should be considered to relate to VCSE organisations more broadly. Throughout this report, we use the term Social Value Act to refer to the Public Services (Social Value) Act 2012.

4. Knowledge and awareness of the Social Value Act

The 2015 review of the Social Value Act suggested that awareness of the legislation among commissioner groups was generally low (Cabinet Office, 2015). Recent research by SEUK suggests that this is the case among VCSE groups too. Its latest survey of social enterprises indicated that only 53% of social enterprises were aware of the Act, although this is up from the last time the question was asked two years previously. Awareness is however higher for larger social enterprises and those trading primarily in the public sector (Villeneuve-Smith and Temple, 2015). Our research supports existing data and suggests that knowledge and awareness of the Act among community businesses is generally low but also that levels of knowledge are directly linked to the type and size of the business and the likelihood of the Act being applicable to them. Within our sample, the sectors that saw the Act as being most relevant included community transport, housing, sport and leisure and health and social care. Larger community hubs were also more likely to have engaged with the Act. Unsurprisingly, the smaller community businesses not currently tendering for public sector contracts were less likely to know of the Act and didn't always see it as being relevant. This was echoed by the sector bodies we spoke to who felt that knowledge among their smaller members was likely to be low and reported very little discussion about the Act among their members generally. There was however a sense among these stakeholders that awareness is growing. Recent work by SEUK suggests that use of the Act by local authorities is gradually increasing over time (Butler, 2016) and it follows that this would translate to slightly higher awareness among VCSE organisations interested in public sector contracts, including community businesses.

Those community businesses who had heard of the Act weren't always entirely clear about what it covered and levels of understanding of the Act were variable. Where organisations had developed an understanding, this was generally from direct contact with commissioners or the tendering process.

However, even among those who had good knowledge of the Act it wasn't necessarily front of mind:

'It's an Act that's there but it's not something we sort of go to or quote at any point in our journey of delivering services or procuring services'
(Community Business S).

5. Views of the Social Value Act

The overarching aims and principles of the SVA were universally seen as being positive. However, there were subtle differences in participants' views and three separate categories of opinion can be identified from the qualitative work:

It's ok as far as it goes, but it doesn't go far enough

Participants in this group thought that the Act was a good idea in principle but were unconvinced about the level of influence it has had so far. They felt that for councils who already consider social value, it may act as a bolster, but that it lacked the power to change the approach of those local authorities and commissioners who were less engaged. This group saw the Act as being too tokenistic. They described how it was often used as a tick box exercise and felt that it gave councils too much discretion about how it should be applied. It was felt that if the Act had influenced processes more, then larger numbers of smaller VCSE organisations would be winning contracts. This group were keen to see the legislation strengthened so that the inclusion of social value in commissioning was compulsory. This view was expressed by stakeholders, community businesses and commissioners alike so wasn't restricted to one group.

'It gives a lot of councils a get out clause 'cause you can say 'yes I've considered social value', give it a tick and not actually do anything about it in reality and to be fair I think a lot of councils are still doing that' (Stakeholder Q).

The Act is a definite step in the right direction

The views of this group were similar to the first group in that they didn't necessarily feel as though the Act goes far enough in its current form but they were a little more positive about its influence so far. The key message from this group was that while the shift in commissioning may not have been as fundamental as some might have hoped, there has been real progress and the Act has facilitated change, not least by giving commissioners permission to explicitly consider social value.

'We think... although people are impatient for change that it's not bad progress to date actually for a bit of legislation that didn't actually become law until 2013 and that no one had heard of. Actually, it has certainly achieved more than its predecessors... so there's something about the Act that has kind of been a bit of a lightning rod for activity' (Stakeholder L).

The Act has made a real impact

For this group the Social Value Act had notably changed the commissioning process and *'made a huge difference'* (Community Business R). This group saw the success of the Act falling on both sides of the fence with commissioners benefitting as much as VCSE organisations.

'... And they have expressed their, I wouldn't say delight, but I think it was akin to that... where we put our money is back into the community and that was quite valuable for them to be able to say that they were employing people who put something back into the community' (Community Business R).

Since this was a qualitative piece of work that aimed to map the diversity of views rather than their prevalence we cannot attribute weight to any of these views. However, having spoken to a number of stakeholder organisations that cover large parts of the sector as well as individual community businesses, it's fair to say that this third, more strongly positive, take was a minority view.

6. Influence of the Social Value Act on the commissioning process

Before exploring the impact of the Act on commissioning, it is important to reflect briefly on the commissioning environment in which the Act is being employed. Interviewees spoke about it being a very challenging time generally for winning business, with commissioners facing enormous pressure to deliver more with less. There was a sense that to compete in the current climate, organisations had to be leaner, slicker and more willing to compromise than in the past. One stakeholder also spoke about how they had witnessed VCSE organisations having dilemmas about whether they should change their aims to align with their local authority's strategy since in the current climate if the two don't match it can lead to less funding.

One of the drivers of change in the current commissioning landscape is the move by councils from being primarily grant-giving bodies to commissioning organisations. This process is seen to have left many smaller charities and community organisations on the back foot as they struggle to compete with commercial organisations that are better equipped to respond to fast turnaround tendering processes and lean budgets (Lloyds Bank Foundation, 2016; Hunter, Cox and Round, 2016; Stopforth and Mansfield 2016).

Against this backdrop, local authorities have adopted the Act in very different ways. Some have gone way above and beyond the letter of the Act, they are what SEUK refers to in its research as 'embracer councils' (Butler, 2016). These local authorities have used the Act to help them instigate council-wide charters that include a focus on social value; they have applied it across goods, works and services and may even have strategic leads across commissioning teams to ensure consistency of approach. Others, however, are either very much abiding by the letter of the Act and either just considering it or not applying the Act at all; the 'Bystanders'. SEUK research suggests that around 78% of councils are now at least considering the Act when commissioning relevant services and that this is an increase on the number that were considering it two years previously, though the two studies had different methodologies so direct comparison is tricky (Temple, Wigglesworth, & Smith, 2014; Butler, 2016). Since commissioners only have to *consider* social value though, it's hard to know the extent to which this consideration is translating into practice.

When we asked participants how the Social Value Act has affected the commissioning process, there was a clear view that it had been a nudge in the right direction but that good practice was happening anyway and couldn't necessarily be attributed to the Act.

'My view on the Social Value Act is that I think I've done all of that despite the Social Value Act not because of the Social Value Act. So I think it needs to steer councils in a different way...' (Stakeholder Q).

It was considered to have given some commissioners 'permission' to consider social value and was regarded as a positive move in that sense but it was felt that it had so far only facilitated those who were likely to consider social value anyway and that it hadn't had a dramatic influence.

'My sense is that it's a great and useful tool for people who want to do this and... get it and see the potential and are prepared to kind of push it and really be... a pathbreaker and embrace it but... it hasn't changed mainstream practice in the way perhaps a more robust piece of legislation could' (Stakeholder G).

Overall, there is a picture of the Act having limited influence where there isn't already an appetite for implementing social value. However, there is also a clear sense that things would be bleaker without the Act and that it is at least requiring commissioners to consider social value in an environment when they might otherwise be driven solely by price. So, while the Social Value Act may not have created a step change in commissioning, at the very least it has made some inroads and helped to reframe the conversation.

'People tendering for contracts these days, they'd be daft not to come across with some level of social value or some level of environmental values...because it's almost like, if you don't put that in, you'll be marked down.'
(Community Business T).

7. Impact of the Social Value Act on community business choices

Power to Change was keen to explore the extent to which the Social Value Act has so far had any influence on whether community businesses consider tendering for public sector contracts or not. This research indicates that the Act has so far had little or no influence on community business choices. Community businesses that are tendering for contracts say that they would have done so even if the Act hadn't existed and all groups of participants suggested that a bigger driver has been the reduced number of grants available to VCSE organisations. This reduction in grants has driven some VCSE organisations to bid for contracts they wouldn't have considered before. It was also suggested that while the Act itself hasn't influenced community business choices, positive partnerships with local authorities and other commissioners may have. In local authority areas that have a clear social value strategy and are choosing to involve the voluntary sector and place an emphasis on partnership working there is more incentive for local organisations to bid.

There was also a view that while the current version of the Act might not have influenced community business behaviour it has the potential to affect decision-making if future iterations go further the current one.

'If I thought the Act was being honoured fully in the spirit and the letter to which it was intended, it would be helpful. It would encourage you to bid because you could construct a very strong bid built around the community need and the community fulfilling its own needs and getting the funding to do it and deliver it more effectively' (Community Business D).

It was also pointed out that while encouraging more bids from the VCSE sector might seem a logical or even desirable outcome of the Act, that was not exactly the original intention. The idea was to support the sector by creating a more level playing field for those VCSE organisations that might want to bid anyway. There are indications that this is happening, at least to some extent:

'It didn't change anything, what it meant was that we felt more comfortable with [bidding for a contract] and it made it easier for us basically because we were being treated not like a second-class citizen but like somebody who had a business that was ready to roll' (Community Business R).

8. Barriers to the Social Value Act being more effective

There were a number of reasons given for why the Act hasn't had more impact to date. These fell into the following categories:

Commissioning pressures. Participants spoke of the competing pressures that commissioners are currently facing, not least the fact that budgets and resources have been slashed. It was felt that for the Act to be more effective, councils needed to stop and think about their specific circumstances and priorities and how the Act might best be used in their area. However, current pressures meant that few were finding time to do that effectively and innovative thinking was not often a priority. There were concerns that the current constraints might mean that some councils may not recognise the advantages of social value and participants felt they may be missing out on value for money and long-term cost savings.

'Certainly those involved in public service contracting are aware of the Act but it's fairly small beer compared to all of the other issues that there are with commissioning and procurement practice at the moment' (Stakeholder K).

Interestingly, while these pressures were seen as a barrier by some, others saw them as a facilitator for change. One view was that austerity had acted as an incentive for some councils to take a more strategic and cohesive view to commissioning and it was felt that some areas had used the Act to facilitate council-wide policy shifts. However, for this to happen there needed to be the political will and strong and decisive leadership. This view is explored further in Section 12, below, on improvements to commissioning.

Councils are risk-averse. It was felt that, in general, councils tended to commission larger providers who they had used before rather than choose an unknown or untested voluntary sector organisation.

'Strikes me that we're in a very fledgling situation at the moment where the potential is all there but at the end of the day local authorities are risk-adverse... they want to go to... one of the tried and tested providers who are doing it for ten other local authorities' (Community Business D).

This tendency to risk-aversion was seen to have a negative impact on the levels of social value generated by commissioned contracts. Participants felt that by not including VCSE organisations more, commissioners were missing out on genuine social value that directly benefitted the local community. There was therefore a view from some participants that this risk-aversion was misplaced and that if commissioners took the time to get to know their local voluntary organisations they would see that contracting with local businesses held additional benefits. But the impact of austerity and the need for councils to act

efficiently and not expend extra resource on getting to know new or smaller community-based organisations was also recognised, as was the risk that contracting VCSE organisations could represent in some cases.

'Is it right to spend it with a large provider who maybe won't have an impact in these smaller neighbourhoods or do you take the risk and spend it with a smaller provider who will probably have the impact but there might be a risk there in terms of the governance of the organisation?' (Community Business A).

Procurement practices. The division between commissioning teams and procurement teams was also cited as a reason that social value is sometimes marginalised. Commissioning teams were considered to be more forward-thinking and holistic in their approach overall. However, once the process was handed over to procurement it was felt that some of the flexibility in the process was lost. Procurement teams are under considerable pressure and have to adhere to multiple guidelines. One stakeholder talked about how despite now being able to use a more light-touch procurement approach for smaller tenders, procurement teams would often still use a full-scale tendering process in all circumstances because they were more familiar with it. This approach naturally favours the larger, more experienced contractors.

Insufficient mechanisms for supporting or monitoring the Social Value Act.

There was a view that the guidance issued with the Act isn't currently clear enough and doesn't include sufficient focus on the positives. Clearer guidance on what the Act does allow and facilitate as well as what is less desirable would be welcomed. Work by NCVO also suggests that insufficient training when the Act was rolled out and the fact that no central data is available about how it is being used are barriers to the Act being used more effectively (NCVO, 2014)

9. Barriers to VCSE organisations tendering for public sector contracts

The barriers preventing VCSE organisations from successfully bidding for contracts echoed the barriers to Act being more successful in many ways. However, analysis revealed the following three distinct categories:

Increase in larger contracts and rigid procurement processes. Public sector tenders are getting larger and larger as over-stretched councils seek efficiencies by merging contracts to reduce the amount of resource involved. Larger contracts are often out of scope for smaller voluntary organisations. This is happening to such an extent that it has been identified as a real problem in recent research which suggests that smaller and medium sized charities are suffering as a result of this approach (Hunter, Cox and Round, 2016; Lloyds Bank Foundation, 2016). Linked to the larger contracts is a tendency towards more rigid procurement processes which can be a real barrier to smaller or voluntary organisations that don't have a dedicated team to respond to the demands of the pre-qualification process, the bidding process and increasingly tight procurement timetables.

Partly as a response to the trend towards bigger contracts, and partly because of councils' innate risk-aversion there is an increasing pressure on VCSE organisations to form consortia. Community businesses spoke to us about how commissioners were often unwilling to contract them on their own as small, unknown and untested providers and instead encouraged them to form local consortia to respond to tenders. There is some evidence that the community business sector is open to this and that the numbers of community businesses looking to partner with other VCSE organisations to strengthen their bids is growing (Hull, Davies and Swersky, 2016). However, this approach is not without its problems. Participants spoke of how forming consortia can be a long and complicated process which requires high levels of trust between the participating organisations. It also often requires organisations to be collaborating before a tender is even issued given the tight timescales many procurement processes are now following. On the commissioner side, there was also a perception that voluntary organisations can be too focused on securing their own funding to collaborate successfully.

Lack of expertise. Bidding for contracts requires a specific skill set and experience as well as time and resource. This was seen as lacking in many VCSE organisations and particularly community businesses. Recent research suggests that these groups have been disadvantaged by the fact that, as discussed above, councils are rapidly moving from being grant-giving bodies to commissioners. This has left the VCSE sector suddenly needing skills that hadn't previously been required (Stopforth and Mansfield 2016).

'Small and medium sized community organisations often don't have the expertise to bid in the same way as large national providers' (Stakeholder I).

One community business talked us through the process that one of their staff members had undertaken to deliver their first tender. It was considered to be a huge learning curve and they had struggled as an organisation with the limited amounts of support available to them.

'It's very, very complex. It has to be, clearly, but I think there could be some help for community organisations in understanding all that' (Community Business R).

Austerity. The current climate of cuts was cited as a barrier to voluntary organisations being successful because there are now fewer opportunities for these organisations to communicate with commissioners than there were. Commissioners who might once have felt able to take the time to discuss and communicate their procurement strategies with local organisations are now too busy to prioritise these activities. Participants spoke about the commissioning landscape seeming 'messier' and harder to navigate at the moment. This was firstly attributed to the fact that communications are less frequent and, secondly, because local authority procurement strategies aren't as clear or change more often. The other reason that austerity was considered to be a barrier to the VCSE sector was because it has resulted in a reduction in the levels of support that local authorities are able to provide to voluntary organisations around issues like public sector tendering. The challenges with forming consortia, for example, were considered surmountable if the right sorts of support were available, but participant experience was that such support was no longer available.

Beyond these specific barriers, it's important to acknowledge that the community businesses we spoke to articulated real frustration about commissioners not understanding their value more. They spoke passionately about their ability as community-based organisations to tap into local need in a way that larger commercial organisations couldn't and felt strongly that the wider impact of their work wasn't always captured by commissioners' current approaches.

'Answers to problems quite often are within local communities themselves so why are we awarding large scale contracts to big companies to deal with things like unemployment or mental health issues or wider health issues if these organisations aren't rooted within these communities because then they've got to get the knowledge' (Community Business A).

10. Challenges with measuring social value

While not all the community businesses we spoke to had heard of the Social Value Act, the challenges of measuring social value and wider impact were raised across the board and are a clear theme in the existing literature too. SEUK work identified measuring social value as the biggest challenge to implementing the Act (Temple, Wigglesworth and Smith, 2014), and measurement was identified as a key barrier to the Act achieving its full potential in the last review of the Act (Cabinet Office, 2015). In the qualitative interviews, there was a strong narrative of community businesses recognising the importance of measuring and communicating their social value but not always being sure how to do it well. This was the case across different types and sizes of community business though the larger ones were more likely to have thought about it or attempted it in at least some form. Businesses reported an increasing pressure from commissioners and grant-giving bodies alike to demonstrate impact effectively and this could present real issues in some cases. Smaller community businesses talked about not even knowing where to start with measurement, while larger ones had tried a variety of approaches but weren't necessarily any clearer about the approach and in some cases, had felt the need to bring in external expertise. Commissioners also talked about struggling with measurement and, as in previous research, it was identified as one of the harder parts of implementing a social value policy.

Some of the key challenges with measuring social value were considered to be:

Defining it in the first place. Reaching a shared understanding of social value can be difficult especially when it covers so many areas and can mean so many different things. This has been raised as an issue in previous research. A survey by the New Local Government Network (NGLN) suggested that only 18% of the councils who responded were clear about what could be classed as social value (Hoolachan, Mansfield and Parker 2016). Further work by NGLN highlighted that not only is it hard to reach a shared definition, but that some definitions can unwittingly disadvantage smaller VCSE organisations if they require additional resources to deliver social value. For example, a requirement for apprentices in a tender may be very difficult for a smaller organisation to provide, so there might be merit in a more open and inclusive definition of social value (Stopforth and Mansfield, 2016). Despite its difficulties, achieving a clear definition is seen as vital to implementing a social value policy. SEUK highlights 'defining the vision', and within that what social value means, as one of four key steps to unlocking what social value is for an area (Temple, Wigglesworth and Smith, 2014).

Multiple approaches to measurement. All groups identified the fact that there are myriad different approaches to measurement as a real challenge. This was seen as a reflection of the fact that there are such disparate activities that could be measured in any number of ways. Participants spoke about feeling 'paralysed' by the range of approaches and tools available and unclear about which would apply best to them.

'I think there's an awful lot of different things out there, if you start looking at impact measurement, if you're fairly new to it, very quickly your head is spinning with like 50 different organisations all offering a different simple way to do it. I just think there's too many of them already' (Community Business F).

A shared tool that everyone could use was suggested as a possible solution and such tools are being used by some local authorities. But other participants felt that a generic tool wasn't the answer since they didn't think one approach could accurately capture the various types of social value currently being applied and were concerned that anything too prescriptive might prevent organisations from innovating. SEUK research suggests that at least part of the solution may lie in having great clarity of purpose around social value. It found that those commissioners that had a clear policy around social value were more likely to have an effective method for measuring it (Temple, Wigglesworth and Smith, 2014). This was echoed in the qualitative research where stakeholders spoke about experiences of working with commissioners and how the most effective route to implementing social value was to keep it simple and focus on the local community strategy so that there could be a measurement against local need.

Despite the disparate views on the best approach there was a general call, particularly from community businesses for greater steer on possible approaches to measurement and more training and guidance around this issue from central or local government.

Measuring softer outcomes is harder. Community businesses voiced frustration at not knowing how best to measure the 'softer' or longer term outcomes that their businesses generated. Participants were concerned that any measure they adopted might miss out some of the less obvious but equally important elements of their impact. They struggled with the idea of how a particular outcome might or might not be attributed to one of their activities and how the more long-term nature of their social value might be captured.

'The only way I can demonstrate any sort of impact is basically by doing questionnaires and saying to people 'when you started how did you feel and now how do you feel and what impact has it made on you?'
(Community Business P).

There was also a view that demonstrating social value is perhaps hardest for VCSE organisations as social value is so often central to their core business. Some suggested it was easier for commercial organisations where the social value was an add-on and therefore clearer to define and identify. This was discussed in relation to monetising value too. There were participants who didn't understand how this could be done and didn't feel that it was necessarily an appropriate approach to measuring the work that they did.

Lack of time, resource or expertise. While the expectation that social value should be measured and communicated was strongly felt, participants spoke about how, in reality, these activities fell to the bottom of a very long list. For those community organisations struggling to maintain their core business, measuring social value was not a top priority and represented a lot of time and work. Lack of expertise was a real barrier with organisations admitting they just didn't know how to go about it.

'It's one of those things where I just think we need to get better at it but how do we get better at it... it's another thing you've got to factor in'
(Community Business E).

Larger organisations who were tendering for public contracts with more resources to dedicate to measuring social value talked about the importance of communicating social value as a way of demonstrating what they brought to the table.

'We have just financed from our own reserves some resource to lead on that [communicating value]. It's become so complicated that it does need proper resourcing... of course if you then invest in that then that investment should actually give some return so it's a good thing to invest in'
(Community Business S).

11. Next steps for the Social Value Act

Overall there is a high level of consensus between existing literature and data from our qualitative interviews around what could be improved in the Act. The overriding view is that it needs to go further and be more widely applicable than it is currently. Specific suggestions for how this might happen included:

Extending it beyond services to include goods and works. This was front of mind in many cases and the reasoning for extending it wasn't just because it might encourage social value in more areas of commissioning but because it was felt that it might also be easier for local authorities and commissioners to have a consistent commissioning approach across all areas. Many of what SEUK described as 'embracer' councils have already taken this step and the commissioners we spoke to said that extending it more widely had been beneficial to them.

The thresholds it applies to should be lowered. The last review of the Act suggested that the threshold for applying the Act shouldn't be raised in line with changes to EU procurement rules since that would reduce the impact of the Act (Cabinet Office, 2015). This research suggests that there is actually appetite for the thresholds to come down. In local authorities that have embraced the Act this has often already been applied. This approach sits well alongside a more inclusive, community-focused approach to commissioning.

Making it compulsory. One view was that commissioners should have to do more than just 'consider' social value. It was felt that making the provisions of the SVA compulsory would encourage those local authorities currently lagging behind to take more action. However, there was also a counter-view that making it compulsory would mean that commissioners lost their flexibility and that in times of cuts and difficult choices it is helpful for commissioners to be able to choose the bid with the lowest costs at times, so there wasn't complete consensus on this point. More definitive language was also mooted for the part of the Act which currently encourages commissioners to consider consulting on social value and some participants felt that consultation should become compulsory too.

More support, guidance and monitoring. There was a view that the Act could make more of an impact if it had clearer support and guidance attached to it. This support was suggested both for commissioners, to help them understand the importance of social value, as well as for bidding organisations, to help them with the bidding process and to demonstrate their impact. Additional support and guidance was seen as potentially helping with raising awareness of the Act which was considered an ongoing priority in order for it to have greater reach. There was also a sense that some local authorities needed to be empowered to use the Act more effectively and that the right sort of support could help to give them the skills and confidence they need. More support around how to measure social value and do it consistently was also considered a good idea. There was a call for clearer statutory guidance on the implementation of the Act and a

suggestion that the guidance should focus more on the positives of the Act and what it enables commissioners to do as opposed to what it prevents. It was also thought that more could be done by central government to monitor how the Act is being implemented overall.

Alongside these core suggestions for improvements were others that were considered just as important but weren't quite as clear cut. For example, there was the suggestion that more should be done within the Act to make the most of the good practice currently taking place and highlight those areas not doing so well, with the possibility of creating templates or toolkits based on areas that have had more success and using them to help local authorities that haven't yet applied social value at a more strategic level. There was also a thread of ideas around a more defined portion of tenders being given over to social value and even a suggestion that a percentage of a contractor's fee should be dependent on how they fulfil the social value element of a contract.

It's worth noting that the previous review of the Act considered the possibility of extending it both horizontally (to cover more areas) and vertically (to make it more mandatory) and concluded that doing either or both would risk adding bureaucracy to the procurement process and undermining the innovative nature of the Act where commissioners can interpret it in ways applicable to them (Cabinet Office, 2015). This conclusion was not tested directly during this research. However, what this research has told us is that, overall, there is still a desire for the Act to go further and be more prescriptive than it is now.

12. How the commissioning process could be improved

For the Act to really take hold it was felt that the commissioning process needs to improve and that there is room for improvement on both sides of the commissioning equation. Thoughts about what commissioners could be doing revolved around more focus on social value and local VCSE organisations generally. In areas where social value is not an intrinsic part of the commissioning strategy, there was a call for greater focus on its inclusion. It was also felt that commissioners could do more to reach out to the third sector by taking the time to get to know local organisations and by providing information sessions on the tendering process. There was a sense that in some cases VCSE organisations are being treated as inferior businesses, and not a valid option for public sector commissioners. Participants spoke about how this had improved slightly over recent years but that there was more work to be done.

'The biggest thing actually is not to treat us like second class citizens in the first place but to treat us as whole organisations... a lot of statutory organisations go in with the idea that a voluntary organisation is amateur, and we're not all [amateur]' (Community Business R).

There are recent signs that this issue is being acknowledged more widely including the announcement by the government last year of the development of a commissioning kitemark which will mark out commissioners who demonstrate commitment to small charity-friendly commissioning (DCMS, 2016).

There was recognition however that it is not all down to commissioners and that VCSE organisations need to do their bit to raise their profile and improve the process. Some participants suggested that VCSE organisations can sometimes expect to have it all handed to them on a plate and that they need to do more as a sector to improve their knowledge and skills around commissioning. In order to be included more in the commissioning process, it was suggested that VCSE organisations take the time to make themselves known to local commissioners; introduce themselves, find out about a council's strategic plan, ask questions, ensure they know the process and can find their way around Contracts Finder¹, think about how they promote themselves and the social value they can offer and plan ahead. Having someone within a community business who has experience of commercial business and procurement processes was seen to be very beneficial. There was also the suggestion that in some cases VCSE organisations should look at other bidding options. While it may not always be appropriate for them to be first tier contractors especially with larger contract values, they could instead look at becoming part of the supply chain and getting themselves on the books of the larger first-tier contractors.

¹ An online database that lists government agency contracts over £10,000 in value. See <https://www.gov.uk/contracts-finder> for more details.

What this research has highlighted clearly though is that improvements to commissioning need to go beyond the actions of individual commissioners and VCSE organisations. There is a need for an overarching place-based approach where both sides develop a strategy and shared vision and work in partnership to deliver it. When we asked what had driven the success of areas with more inclusive commissioning, the resounding response was strong leadership; a strategic commitment from the very top of the local authority that everyone is clear about and which fosters strong working relationships with the community.

‘Social value is probably something that could be politically led. So if you had a strong leader or a strong group of councillors who really wanted you to focus on social value in contracts, that would mean that it was considered a lot more than in an area where they just don’t look. So, I think it’s something that – particularly politically – they can push’ (Stakeholder J).

For this to work effectively though, there also needs to be a critical mass of VCSE organisations who are willing to engage with each other and the local authority. It was felt that in some areas the VCSE sector presence may not be strong enough and that building up that network and umbrella bodies that give the sector a voice is vital for creating genuine partnerships in an area.

13. Conclusion

The Social Value Act has only been in place for four years and it's clear that its reach is not yet as wide or as deep as it might be. Community businesses and the VCSE sector as a whole have varying degrees of awareness and knowledge of the Act, and for many smaller organisations it remains irrelevant. There is no evidence of the Act influencing community business decisions around public sector bidding but there is some indication of it starting to level the playing field for those who choose to engage in the bidding process. Overall the Act is considered as a positive development but there is a theme of it needing to go further and do more than it is currently. A range of barriers are preventing the Act from being more effective; these include the current budget cuts and resulting pressures on commissioning teams as well as the inflexibility of procurement practices and tendency of some councils to play it safe and favour larger commercial bidders.

Defining and measuring social value effectively however, remains one of the biggest barriers to the Act having greater traction. Commissioners and contractors alike struggle with identifying suitable tools for capturing impact that don't limit the diversity and innovation of local social value initiatives. Measurement is a particular challenge for community businesses who are feeling the pressure to demonstrate and communicate their impact but have limited knowledge or expertise about how to do it especially when it comes to demonstrating softer and longer-term outcomes. But community businesses remain passionate about what they do and about the importance of successfully communicating the value that they can deliver locally through their unique knowledge.

There is a relatively high degree of consensus about what could be done to make the Act more effective; this includes broadening its scope and strengthening its language. There also needs to be better guidance about how to implement and use the Act well along with more support for organisations who may be new to the procurement process. However, the evidence from this research is that for the Act to really take hold there need to be fundamental changes to the way that local areas approach commissioning generally. Strong leadership and political will are vital to implementing a successful social value strategy in local areas as is a flourishing and engaged VCSE sector. Councils need to be committed to social value at the highest level and willing to develop a clear local understanding of what it looks like. For their part, the VCSE sector, including community businesses, need to raise their heads above the parapet and use their individual and collective voice to ensure that they are not only visible but having a say in shaping local strategic priorities.

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Appendix A: Qualitative interviews achieved sample

Table 1. Stakeholders

Stakeholders interviewed	Organisation type
1. Locality	Community business membership organisation
2. National Council of Voluntary Organisations (NCVO)	Membership organisation for voluntary organisations
3. Professor Marilyn Taylor	Community Development Academic
4. Social Finance	Research and advocacy organisation
5. Social Enterprise UK (SEUK)	Membership organisation for social enterprise
6. Commissioner at Harrow Council	Local Authority
7. Commissioner at Leeds City Council	Local Authority
8. Institute for Voluntary Action Research (IVAR)	Stakeholder
9. New Local Government Network (NLGN)	Think tank
10. Community Transport Association	Membership organisation for community transport

Table 2. Community Business sample by sector

Sector	Target	Achieved
Health and social care	At least 1	1
Transport	At least 1	1
Sports and leisure	At least 1	2
Housing	At least 1	1
Community Hub		2
Library		
Pubs		
Food catering and production		1
Craft industry and production	At least 3	
Environment/nature conservation		
Shops/cafes		1
Energy		1
Arts Centre/facility		1
Finance		
Digital		

Table 3. Community Business sample by urban/rural split

Sector	Target	Achieved
Rural	At least 3	4
Urban	At least 3	4
Mixed		3

Community Business sample by geographic location

Sector	Target	Achieved
South	At least 1	3
North	At least 1	4
East	At least 1	1
West	At least 1	1
Midlands	At least 1	2

Community Business sample by business size (monitoring only, no quotas)

Sector	Target	Achieved
Annual turnover less than £50k	At least 1	3
Annual turnover between £50k and £250K	At least 1	2
Annual turnover over £250k	At least 1	6

Appendix B: Sample of topic guide used in the research

Community Business and the Social Value Act Community Business Topic Guide – January 2017

Research Objectives:

- To deliver an indicative picture how the SVA is currently perceived and used among community businesses;
- To get a general view of the SVA from the wider community business community and stakeholders; and
- To explore the extent to which the SVA is currently having an impact on the choices that local businesses make.

Where possible the work will also seek:

- To explore the relationship between the SVA and community business interest in public service contracts; and
- To understand how community businesses measure and communicate their social value.

Research Questions:

Overarching research questions:

- To what extent are community businesses aware of the SVA?
- What has the impact of the SVA been on community businesses?
- To what extent has it been beneficial?
- How might it better benefit community business in the future?

About this guide:

This topic guide is designed to act as a series of prompts to the interviewer to ensure full coverage of all the research objectives. It is not a predefined list of questions and does not include all the follow up probes that will be used throughout the interview. Each area will however be fully probed.

The nature of qualitative interviewing involves responding to participants' answers, fully exploring their views and reasons for them whilst also identifying evidence, examples and suggestions where possible. The exact wording of the questions and probes is left open to encourage the flow of conversation.

Introduction

- Introduce researcher and role on project/with Power to Change
- Brief overview of background to project:
- Review of the Social Value Act taking place at some point this year
- Currently there is very little evidence available on the views and experiences of community businesses about the SVA
- Power to Change wants to gather some data on this and specifically explore if and how the Act has impacted on the Community Business Sector ahead of the review
- We are approaching you as a representative of a community business to get your views on:
 - Your knowledge of the SVA/thoughts on wider knowledge within community businesses
 - Any impact of the SVA on community business
 - Any impact of the SVA on community businesses bidding for public service contracts
 - Views on how the SVA might be shaped in the future
 - Other sources of information you may know of or relevant people to speak to who might have insights on this area.
- You are not expected to have any previous knowledge of the SVA to take part in the research

- The results of this research will help to inform Power to Change’s response to the review.

Consent, anonymity and data storage

- Would like to record interview and take full notes with your consent to allow for robust analysis
- The outputs from this research will outline the key characteristics of the community businesses spoken to but not their names. It will also include anonymised quotes. It won’t indicate who said what.
- However, there will be a small sample and it’s possible that some content might be attributable so we cannot guarantee complete anonymity.
- The data gathered from this project will be reported to and used by the Power to Change Research Institute to inform their response to the Quinquennial review.
- The notes from this interview will also be passed to Power to Change at the end of the project and may be used by them for future research. The notes will be anonymised but it may be possible for people who are familiar with the sector to identify you or your organisation so anonymity cannot be guaranteed. Is that ok?
- The interviews will be stored securely by the research team and not passed to Power to Change.
- Are they happy with the recording and with the approach to anonymity and with the notes being passed on to Power to Change?
- Interview will last around 30-45 minutes
- Questions? Happy to proceed?

About them and their organisation

- *Interviewer to draw on background research on organisation here where relevant*
- What organisation does and services it provides
- What makes it a community businesses
- Location and level of rurality
- Who uses organisation’s services

- Size/turnover of organisation
- Aspirations of organisation/plans for the future
- Their specific role at organisation
- Length of time in role

Knowledge of the SVA

- What they know of the SVA, if anything
- Where knowledge is from
- What they knew before being asked to take part in this research
- Knowledge of SVA in their organisation
- Knowledge of the SVA in their sector and other community businesses they know of

Views of the SVA

- What they think of the SVA generally
- What they think of the impact of the SVA on:
 - Their organisation specifically
 - Their sector
 - Community business generally
- *Probe for where they feel it has been beneficial and where they feel it hasn’t made a difference or had a negative effect*
- What has influenced these views

Views on community business and public service contracts

- Whether they ever tender for public sector service contracts. If not, explore reasons
 - Full details:
 - Nature of contract
 - Rough size of contract
 - Experience of bidding
 - Success of bids
- What influenced their decision to bid for contract
- *Probe for any link to SVA or not*
- Views on SVA in relation to service delivery contracts

- Any broader evidence they have seen of the SVA influencing decisions to bid for public service contracts
- Whether they might consider tendering for public sector service contracts in the future
 - What would influence this – barriers/facilitators

Barriers and Facilitators

- Views on barriers to using the SVA for community businesses
- Views on barriers to using the SVA for commissioners
- Views on facilitators to using the SVA for community businesses
- Views on facilitators to using the SVA for commissioners

Measurement and communication of social value

- Whether they make any attempt to measure their own social value
- Evidence of social value being measured by either other community businesses or commissioners.
- Whether and how they communicate their social value
 - Who to?
- What they would like to be doing to measure or communicate their social value

Views on the future of the Act

- Thoughts on what could change in the SVA to better benefit community businesses/ make it more accessible or usable.
 - Why?
- Thoughts on what could change in the SVA generally
 - Why?

Other work on this area

- Thoughts on other research or data on community business and the SVA
- Other organisations or people we should speak to – specifically any smaller community businesses they know of
- Are they able to put us in touch with/reach out to any other community businesses for us to interview?

Final thoughts

- Anything else we should know?/thought they would be asked?
- How might this work be useful to them?
- Any questions

End of Interview

- Thank participant for their time
- Confidentiality – anything especially sensitive they don't want included? Check happy for us to share the notes?
- Is there any relevant documentation they can send to follow up?
- Next Steps – timeline and report production

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