

Finance and Resources Committee

10.00am, Thursday, 1 December 2016

Approval of Lot 4 British Sign Language Services on the Framework Agreement for the Provision of Interpretation, Translation and Communication support

Item number	7.8
Report number	
Executive/routine	
Wards	

Executive Summary

This report seeks the approval of the Committee to appoint three suppliers to Lot 4 British Sign Language Services on the Framework agreement for the Provision of Interpretation, Translation and Communication support.

Lots 1, 2, 3 and 5 were approved by the Finance and Resources Committee on 3 November 2016 and following a deputation which raised concerns the decision was made to defer consideration of Lot 4.

The framework agreement will run for a period of three years with an option to extend for an additional twelve month period.

Links

Coalition Pledges	P30
Council Priorities	CP11 , CP13
Single Outcome Agreement	SO4

Approval of Lot 4 British Sign Language Services on the Framework Agreement for the Provision of Interpretation, Translation and Communication support

1. Recommendations

- 1.1 It is recommended that the Finance and Resources Committee approve the appointment of the following suppliers to Lot 4 British Sign Language Services, lip reading, deaf blind communication etc. of the framework agreement for Provision of Interpretation, Translation and Communication:
- Sign Language Interactions Ltd;
 - DA Languages Ltd; and
 - Prestige Network Ltd.
- 1.2 It is intended that the framework agreement will be in place for a period of three years with an option to extend for an additional twelve month period from 1 December 2016 with a total estimated value of £650,000 for Lot 4 over a four year period.

2. Background

- 2.1 The Council manages and operates an interpretation and translation service to support its public sector equality duties and community obligations as well as those of the NHS.
- 2.2 It is estimated that approximately 3500 hours of British Sign Language (BSL) services will be required annually. This, however, can fluctuate depending on service demand.
- 2.3 The Council has an internal translation and interpretation service which provides services in respect of Council and NHS services. The internal service is heavily supplemented by the use of external service providers which has developed over a number of years. No internal BSL qualified interpreters are employed by the Council so there is an obligation to seek external provision if service levels for users of BSL services are to be provided. The current spend on external services exceeds the European procurement threshold above which services are required to be openly and transparently advertised.
- 2.4 A report was presented to Finance and Resources Committee on 3 November 2016 seeking the award of a framework for Translation and Interpretation services. A

deputation from the current provider Deaf Action raised a number of concerns about the process and the proposed providers which are addressed in this report.

3. Main report

- 3.1 The provision of interpretation services for the Framework, including Lot 4 was developed following focus groups with service users and interpreters in several meetings in the summer of 2015. Particular issues raised by BSL groups included how both the Council and the NHS addressed provision for BSL service users and the importance of qualified interpreters. These comments were noted and it was also agreed that training would be provided to raise awareness of signing as a language and the specific needs of this group across services. The related Equalities Rights Impact Assessment is attached as Appendix 1.
- 3.2 The contract opportunity was advertised on the Public Contracts Scotland portal for a period of 45 days in accordance with procurement regulations.
- 3.3 The requirement was divided into Lots in order to facilitate potential participation in the procurement process by small and medium sized enterprises, voluntary and community groups, social enterprises, charities and local businesses, as detailed in Appendix 2.
- 3.4 Lot 4 comprised British Sign Language and tenderers were informed that the top three scoring suppliers would be appointed.
- 3.5 The evaluation criteria for tenders emphasised quality, with 60% of the overall evaluation score allocated to quality and 40% of the overall evaluation score allocated to price. This quality: cost ratio was used to ensure that those tendering were able to deliver interpreters as and when required, to provide the key tasks to the standard required and deliver continuous improvement.
- 3.6 The quality questions providers were asked to respond to included a range of business appropriate questions to demonstrate an appropriate understanding of the service requirements including - qualifications/suitability (e.g. BSL registered), service delivery and approach, staffing, performance management, collaboration, data protection, fair work practices, community benefits including links with the local community and any contract termination or payment withheld in the last three years. These questions were underpinned by appropriate quality assurance requirements.
- 3.7 The evaluation panel comprised highly experienced managers: the Council's Interpretation Manager, the NHSL Interpretation Manager and a Council Contact Manager. No service users were included on the evaluation panel as is current practice. This is a possibility for future tenders in general that is being explored with legal services as part of the Council's co-production approach. Factors such as resourcing, availability, confidentiality, impartiality and training all need to be addressed and will be considered as part of ongoing procurement policy development.

- 3.8 Following completion of the quality analysis, tenders were subject to a cost analysis. The cost analysis established the full price of tenders, considering responses to the Pricing Schedule. The lowest priced bid was allocated the 40% weighting. All other bids were scored on a pro-rated basis against the lowest priced bid. Scores from the quality analysis were then combined with the scores for the cost analysis to reach a combined score for each tender submission.
- 3.9 The individual scores for Lot 4 are detailed in Appendix 3.
- 3.10 When the framework agreement is operational work will be allocated to the highest ranked supplier (based on quality and price) on the appropriate Lot. If the supplier declines or cannot meet the requirements, the next highest scoring supplier will be allocated the work and so on.
- 3.11 The top ranked tenderer Sign Language Interactions Ltd (SLI) will provide the majority of BSL services with the Council or NHS approaching those ranked second, DA Languages Limited and third, Prestige Network Limited on the Framework only when SLI cannot provide an appropriate interpreter. SLI is Scotland's largest independent provider of communication services for deaf and deaf/blind people, which includes BSL/Eng interpreters (face to face and online video interpreting), Lip speakers, Deafblind communication and Electronic Note takers.
- 3.12 The SLI tender had the following strengths:
- All communication professionals are qualified and registered with either the Scottish Association of Sign Language Interpreters (SASLI) and/or National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD);
 - Provision of services 24 hours, 365 days a year;
 - Pool of freelance linguists as well as internal provision of BSL provision with only 25% sourced from sessional interpreters. These sessional interpreters are generally drawn from a wider pool of qualified interpreters free to work for any of the agencies;
 - Operate a tested allocation criteria for assignments, for instance race, gender, cultural and domain knowledge are assessed to ensure the best match of interpreter for the assignment;
 - Wide range of current public authority service level agreements;
 - Possibility of video relay interpreting, currently used by NHS Greater Glasgow and Clyde, NHS 24, NHS England 111 and various other public and voluntary bodies;
 - Multiple accreditations for Quality management, Disclosure etc;
 - ISO9001 registered;
 - Track record of service provision for 13 years;

- Complaints procedure simple but efficient, giving due consideration to deaf and deaf/blind community by having different means of communication to complain.
- Currently work with Heriot Watt University and offer placements for students to observe and where appropriate gain experience as a working interpreter; and
- CPD plan in place for staff and interpreters and training to use the service will be provided to Council and NHS staff.

4. Measures of success

- 4.1 This aim of this framework agreement is to achieve a 99%+ delivery rate.
- 4.2 Further details of the KPIs which will be used to support contract management can be found at Appendix 4.

5. Financial impact

- 5.1 It is expected that the cost associated with this service will be approximately £162,000 annually.
- 5.2 The costs associated with procuring this framework agreement are estimated at up to £10,000.

6. Risk, policy, compliance and governance impact

- 6.1 This contract will deliver an essential service and a robust service agreement will be put in place so that the service meets and for the duration of the contract continues to meet the needs of deaf and deaf/blind service users. The contract is designed to provide cost transparency and fixed prices.

7. Equalities impact

- 7.1 The provision of interpretation, translation and communication services directly support public sector equality duties, in particular the elimination of discrimination, the advancement of opportunity and the fostering of good community relations.

8. Sustainability impact

- 8.1 Under the Climate Change (Scotland) Act 2009 the Council must ensure that its policies, plans and strategies take account of carbon impacts, adaptation to climate change, and sustainable development.
- 8.2 It is not anticipated that the activity of providing Interpretation and Translation services will have significant carbon impact however the pricing model has required costs inclusive of expenses to be submitted by Tenderers. This has the effect of incentivising the use of local interpreters and therefore reducing travel impacts.
- 8.3 Community benefits are to be provided under this tender including:

- 8.3.1 training opportunities, including student placements and work experience;
- 8.3.2 feedback to form continuous improvement programme; and
- 8.3.3 Creation of a 'Go Fund' aimed at small local deaf-led groups to help with local initiatives.

9. Consultation and engagement

- 9.1 NHS Lothian, the Council's largest user partner were consulted with and engaged as part of the procurement process. One Interpreting and Translation Manager from NHS Lothian was involved in the evaluation of the tenders submitted.
- 9.2 A series of six focus groups with service users and interpreters were held in the second half of 2015. These focus groups considered both system issues and wider service delivery considerations that helped inform the procurement process e.g. service delivery criteria.

10. Background reading/external references

- 10.1 Approval of a Framework Agreement for the Provision of Interpretation, Translation and Communication support
http://www.edinburgh.gov.uk/meetings/meeting/4055/finance_and_resources_committee

Hugh Dunn

Executive Acting Director of Resources

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11. Links

Coalition Pledges	P30 Continue to maintain a sound financial position
Council Priorities	CP11 An accessible connected city CP13 Deliver lean and agile services
Single Outcome Agreement	SO4 Edinburgh's communities are safer and have improved physical and social fabric
Appendices	Appendix 1 - ERIA Appendix 2 – Summary of Tendering and Tender Evaluation Processes Appendix 3 - Tenderer's Scores Appendix 4 - Key Performance Indicators



City of Edinburgh Council

Record of Equality and Rights Impact Assessment

Part 1: Background and Information

(a) Background Details

Please list ERIA background details:

ERIA Title and Summary Description: Interpretation and Translation Service - procurement and system requirements

Service Area	Division	Head of Service	Service Area Reference No.
SFC/Community Safety	Libraries	Martina McChrystal	
Resources	Customer	John McCann (Neil Jamieson)	

(b) What is being impact assessed?

Describe the different policies or services (i.e. decisions, projects, programmes, policies, services, reviews, plans, functions or practices that relate to the Corporate ERIA Title):

Policies and Services	Date ERIA commenced
CEC Contract Standing Orders - Contract to supply additional Interpreters, sign language, Braille printing to meet CEC Interpretation & Translation Service excess demand. Procurement will secure appropriately qualified staff.	23/10/2015

(c) When is it due to be reviewed? (insert furthest away date if question relates to a number of review dates) 01/06/2017

(d) ERIA Team

Please list all ERIA Team Members:

Name	Organisation / Service Area
Ian Kirkby	Libraries
Paul McCloskey	Libraries
Van Dundas	Libraries
Jacqueline Leishman	Finance
Neil Jamieson	Resources (final edit and publication)

Part 2: Evidence and Impact Assessment

(a) Evidence Base

Please record the evidence used to support the ERIA. Any identified evidence gaps can be recorded at [part 3a](#). Please allocate an abbreviation for each piece of evidence.

Evidence	Abbreviation
<p>Community Consultation (Appendix 1) was held with interpreters and service users to assess service needs, with a specific focus on prior, at and post appointment (including feedback). These sessions were held on 19/6/15, 26/6/15, 24/7/15, 30/10/15. The sessions covered a range of themes and issues</p> <ul style="list-style-type: none"> - Data handling - Importance of supply of briefed, qualified interpreter - Gender consideration and consistency - Service promotion and administration - Types of service offered e.g. face to face, telephony - Emergency arrangements - Appointments - Service feedback - Delivering complex services especially where understanding is required as a legal requisite, e.g. housing contract, childrens educational needs etc. <p>Aspects relevant to procurement exercise were included in the procurement documentaion (Appendix 2)</p> <ul style="list-style-type: none"> - Appropriate qualifications for staff/sub contractors - Mandatory requirement of proven track record and relevant experience - Consistent service delivery - Job assignment/achievement - Emergency arrangements - Service performance and continuous improvement/continuous professional development plan for staff - User feedback, quality assurance and collaboration - Data protection - Community benefits 	<p>A1</p> <p>A2</p>
Ongoing and historic databank - system information on demand and service level attainment ie unmet demand, languages required, services accessed, anonymised service user reports (languages, gender etc).	A3
Feedback forms from service users	A4

(b) Rights Impact Assessment – Summary

Please describe all the identified enhancements and infringements of rights against the following ten areas of rights. Please also consider issues of poverty and health inequality within each area of rights:

- ☒ Life
- ☒ Health
- ☒ Physical security
- ☒ Legal security
- ☒ Education and learning
- ☒ Standard of living
- ☒ Productive and valued activities
- ☒ Individual, family and social life
- ☒ Identity, expression and respect
- ☒ Participation, influence and voice

Please indicate alongside each identified enhancement or infringement the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Summary of Enhancements of Rights

Advancing Equality of Opportunity;

Procurement exercise described at 1b is designed to ensure the Council (and other service users) are able to meet service requests, both from a capacity perspective and to deal with the broad spectrum of service requests.

This capacity and support will provide interpreter support for CEC and NHSL for relevant appointments (emergency health, schools, housing etc) to enable access to advice, support and treatment for non-english speaking residents and those who require additional support to access services, including users of BSL services.

This procurement exercise will assist the Council to eliminate discrimination, harassment, victimisation and other prohibited conduct. It will also enable non-english speaking residents and those who require additional support to report, complain and receive guidance and advice. This service also enables citizens to take part in community activities and cross community initiatives.

The evidence from A1, A3, A4 was used to inform the procurement documentation A2.

Summary of Infringement of Rights

Can these infringements be justified? Are they proportional?

The service is designed to ensure that suitably qualified interpreters are supplied to provide professional support for individuals at service meetings, including NHS Lothian services, CEC education, housing and social work. This approach is designed to mitigate any infringement of rights.

(c) Equality Impact Assessment – Summary

Please consider all the protected characteristics when answering questions 1, 2 and 3 below. Please also consider the issues of poverty and health inequality within each protected characteristic:

- ☒ Age
- ☒ Disability
- ☐ Gender identity
- ☐ Marriage / civil partnership

- ☒ Pregnancy / maternity
- ☒ Race
- ☒ Religion / belief
- ☒ Sex
- ☐ Sexual orientation

1. Please describe all the positive and negative impacts on the duty to eliminate unlawful discrimination, harassment or victimisation. Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Positive Impacts

Procurement exercise described at 1b is designed to ensure the Council (and other service users) are able to meet service requests, both from a capacity perspective and to deal with the broad spectrum of service requests.

This capacity and support will provide interpreter support for CEC and NHSL for relevant appointments (emergency health, schools, housing etc) to enable access to advice, support and treatment for non-english speaking residents and those who require additional support to access services, including BSL service users.

This procurement exercise will assist the Council to eliminate discrimination, harassment, victimisation and other prohibited conduct. It will also enable non-english speaking residents and those who require additional support to report, complain and receive guidance and advice. This service also enables citizens to take part in community activities and cross community initiatives.

The evidence from A1,A3 and A4 was used to inform the procurement documentation A2.

Negative Impacts

None

2. Please describe all the positive and negative impacts on the duty to advance equality of opportunity (i.e. by removing or minimising disadvantage, meeting the needs of particular groups that are different from the needs of others and encouraging participation in public life)? Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Positive Impacts

Procurement exercise described at 1b is designed to ensure the Council (and other service users) are able to meet service requests, both from a capacity perspective and to deal with the broad spectrum of service requests.

This capacity and support will provide interpreter support for CEC and NHSL for relevant appointments to enable access to advice, support and treatment for non-english speaking residents and those who require additional support to access services. Specific activities include support for accessing housing, health and social care services. The service also supports and promotes education activities where language or disability present an additional barrier to successful outcomes.

The evidence from A1, A3 and A4 was used to inform the procurement documentation A2.

Negative Impacts

None

3. Please describe all the positive and negative impacts on the duty to foster good relations (i.e. by tackling prejudice and promoting understanding)? Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Positive Impacts
<p>Procurement exercise described at 1b is designed to ensure the Council (and other service users) are able to meet service requests, both from a capacity perspective and to deal with the broad spectrum of service requests.</p> <p>This capacity and support will provide interpreter support for CEC and NHSL for relevant appointments to enable access to advice, support and treatment for non-english speaking residents and those who require additional support to access services. This service also enables citizens to take part in community activities and cross community initiatives.</p> <p>The evidence from A1, A3 and A4 was used to inform the procurement documentation A2.</p>
Negative Impacts
None

Part 3: Evidence Gaps, Recommendations, Justifications and Sign Off

(a) Evidence Gaps

Please list all relevant evidence gaps and action to address identified gaps.

Evidence Gaps	Action to address gaps

(b) Recommendations

Please record SMART recommendations which may include actions to

- (i) eliminate unlawful practice or infringements of absolute rights;
- (ii) justify identified infringements of rights; or
- (iii) mitigate identified negative equality impacts
- (iv) further advance equality and rights, and promote good relations.

Recommendation	Responsibility of (name)	Timescale
Complete procurement exercise to create necessary capacity to further advance, equality and rights and promote good relations.	ITS Manager	ASAP
Ensure effective feedback mechanisms in place to support continuous improvement and appropriate choice	ITS Team Manager	Start of Contract

(c) Sign Off

I, the undersigned, am content that:

- (i) the ERIA record represents a thorough and proportionate ERIA analysis based on a sound evidence base;
- (ii) the ERIA analysis gives no indication of unlawful practice or violation of absolute rights;
- (iii) the ERIA recommendations are proportionate and will be delivered;
- (iv) the results of the ERIA process have informed officer or member decision making;
- (v) that the record of ERIA has been published on the Council's website / intranet, or
- (vi) that the ERIA record has been reviewed and re-published.

Date	Sign Off (print name and position)	Reason for Sign Off (please indicate which reason/s from list (i) to (vi) above)
11/2016	Neil Jamieson (Senior Manager - Customer)	(i)

Appendix 2 - Summary of Tendering and Tender Evaluation Processes

Contract	Framework Agreement for the Provision of Interpretation, Translation and Communication support	
Contract period	3 years with the option to extend for further 12 months from 1 December 2016 to 30 November 2019 (or 30 November 2020)	
Estimated contract value	£650,000 over four years (Lot 4 only)	
Savings to be tracked	£42,000 annually (across all lots)	
Standing Orders observed	<p>3.1 - Director responsible for selecting and appointing suppliers with guidance as appropriate from the Chief Procurement Officer</p> <p>5.1 - Tenders evaluated on the basis of most economically advantageous and the best price-quality ratio.</p>	
Portal used to advertise	Public Contracts Scotland	
EU Procedure chosen	Open	
Tenders returned	<p>Lot 1 – 6</p> <p>Lot 2 – 5</p> <p>Lot 3 - 11</p>	<p>Lot 4 - 5</p> <p>Lot 5 - 1</p>
Tenders fully compliant	<p>Lot 1 – 6</p> <p>Lot 2 – 5</p> <p>Lot 3 - 11</p>	<p>Lot 4 - 5</p> <p>Lot 5 - 1</p>
Recommended suppliers	Detailed at Section 1 - Recommendations	
The scores obtained by each tenderer	Detailed in Appendix 3 - Tenderers' Scores	
Primary criterion	Most economically advantageous tender to have met the qualitative and technical specification of the client	

	department.	
Evaluation criteria and weightings and reasons for this approach	Question	Weighting
	Service Delivery	25%
	Staff and Resources	25%
	Performance management and Continuous Improve	10%
	Collaboration, Quality Assurance and Business	10%
	Implementation Plan	5%
	Exit Management Plan	10%
	Fair Work Practices	5%
	Data Protection	5%
	Community Benefits	5%
Evaluation Team	<ul style="list-style-type: none"> • Jennifer Wilson - Customer service Manager • Van Dundas - Interpretation & Translation Services Manager • Delphine Jaouen - Interpretation and Translation Manager, NHS Lothian 	
Consideration as to procurement methodology and processes to ensure SME friendly	The requirement was split into five lots with the option to include more than one supplier per lot. This was to encourage supplier participation which will be crucial to the success of the Framework in a fragmented marketplace composed largely of SMEs.	

Appendix 3 – Tenderers' Scores

Supplier Name	Price Score	Quality Score	Combined Score	Rank
Sign Language Interactions Ltd	38.92	53.25	92.17	1
DA Languages Ltd	29.90	48.00	77.90	2
Prestige Network Ltd	40.00	37.50	77.50	3
Tenderer 4	33.67	35.25	68.92	4
Tenderer 5	33.64	30.75	64.39	5

Appendix 4 – Key Performance Indicators

KPI*	Target – Monthly*
Supply of Interpreters	90% to 100% of interpreters requested - Good 89% to 80% - Meeting with Council officer required Less than 80 % - Review Contract Monitoring will be monthly with quarterly meetings.
Quality of Interpreters and qualifications	100% of interpreters supplied must be qualified to specified standard
Supply of Translations	Supply 100% of translations requested
Quality of translations	Supply translations to 100% accuracy
Compliance with ordering and invoicing process	Process all orders received within 3 hrs or immediately if marked urgent. Invoices must be submitted with 5 working days of end of month
Data management	Comply with 100% of data management rules – see specification for data sharing and data handling
Complaints	Resolve complaints within 10 working days – in line with the Council and its Collaborative Partners' complaints procedure