

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2298

Author:

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Department:

Children and Families

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Subject:

Continuing Services for the Nottingham Deaf Community

Total Value:

£373,707 (of which £141,313 is funded by Nottingham City Council) (Type: Revenue)

Decision Being Taken:

1) To approve an extension to contract for Sign Language Interpreting Service, including expenditure of £340,000 to fund delivery of the service from 1st June 2016 to 31st May 2018. To grant a dispensation from Contract Procedure Rule 5.1.2 in order to increase the value of the contract as detailed, without re-tendering for the services.

2) To approve an extension to the NDS community centre contract, including expenditure of £33,707 to fund delivery of the service from 1st April 2016 to 31st May 2018. To grant a dispensation from Contract Procedure Rule 5.1.1 in order to increase the value of the contract as detailed, without re-tendering for the services.

Reasons for the Decision(s)

The Sign Language Interpreting Service supplies BSL sign language interpreters to deaf citizens and to health/social care professionals, to facilitate the effective communication of deaf people with health professionals and council services and for staff from these services to communicate with Nottingham City's and Nottinghamshire County's deaf community. Nottingham City Council is the lead contractor, and is jointly contracting on behalf of Nottinghamshire County Council, Nottingham City Clinical Commissioning Group and Nottinghamshire County CCGs. The annual contract value of the service is £170,000, with Nottingham City Council's contribution being £53,803. The service is delivered by the Nottinghamshire Deaf Society (NDS), and provides around 950 drop-in appointments and 900 booked appointments each year.

Nottingham City Council also funds NDS to provide activities for deaf adults, within the NDS community centre. The centre provides a 'deaf friendly' space where deaf people can meet, socialise, participate in a range of activities and access specialist training and services run by positive Deaf role models. The centre offers a signposting service which operates drop-in service and out of hours services to help with tasks such as accessing public services, and an older persons' worker who supports older deaf people to retain independence. These activities receive around 2,500 attendances each year. The annual contract value is £15,557.

The Equality Act 2010 requires all City Council services to ensure that 'reasonable adjustments' are made to enable deaf people to use their services. Sign Language and Interpreting Service supports our services to achieve this. Jointly commissioning the service allows for the economies of scale, and provides an integrated service for Deaf citizens. The services fit with The Nottingham Plan to 2020 Strategic Levers around working with communities and the voluntary sector to improve the range and quality of amenities, and community facilities. Analysis of costs seems to indicate that both services provide good value for money, and they are highly regarded by the Deaf Community in Nottingham.

There is added value in having the provider co-located with the service users. The premises are a long-standing hub for the Deaf Community, and the provider is integral to, and highly responsive to the needs of the community. It is unlikely that this could be replicated by another provider.

The Sign Language Interpreting Service (SLIS) contract value was formally agreed through DDM 0501 in October 2012, and the related Tender Outcome Decision Form signed in April 2013. This agreement included the option to extend the service until 31st May 2018 and dispensation from Contract Procedure Rule 5.1.1 in order to increase the value of the contract as above, without re-tendering for the service. However the terms by which the contract could be extended were not included in the contract.

The funding for the NDS Community Centre was formally agreed through DDM 0452 in February 2012. The previous intention was to taper the funding over several years, and for NDS to deliver this as a self-sustaining organisation. Work has taken place with the service to support this approach, but it has become apparent that this is not deliverable by the NDS at this current time due to current economic circumstances. Analysis has indicated that the vast majority of current day centre users are not currently accessing social care funded support. As such the service has an inherently preventative focus. There is a risk that some of the deaf citizens accessing day services at the community centre would require costly social care if this support were to cease.

Approval is now being requested to extend the contract end dates of the above services until 31st May 2018. Please see the attached for a breakdown of costs required.

The change in contract lengths and funding detailed would align contract end dates. This would support a strategic commissioning review, and ensure that strategic joint re-commissioning between Nottingham City and County Councils and CCGs is able to take place during 2017/18. This re-commissioning will be the subject of a future report.

Other Options Considered:

1) Allow contracts to end and not re-commission, removing support for deaf citizens outside personal budgets. All services have a statutory obligation under Equality Act 2010 to ensure that 'reasonable adjustments' are made to enable deaf people to use services. SLIS supports services to achieve this. Jointly commissioning SLIS allows for the economies of scale, and provides an integrated service for Deaf citizens.

This is a politically sensitive area which is likely to give rise to public challenge by the Deaf Community. The cessation of services would have a disproportionate impact on the Deaf Community. Communication barriers, reduced access to services and social isolation lead to high levels of mental ill health. This has been evidenced in a survey by Deaf Wellbeing group. NDS provides a contact point where individuals feel safe and can obtain support to access services and information. The cessation of services would lead to members becoming increasingly isolated and reliant on other provision to support access to services, e.g. SDS personal assistants (approx. £20-£50 per hour).

2) Allow contracts to end, re-model and procure through open tender now. Re-procurement of any new services is planned to take place during 2017/18, for the services to commence from June 2018. It is unlikely that savings would be made through the competitive tender process, or that any new services could be in place before June 2017. An extension of existing services would be required to provide continuity of service until at least June 2017.

3) Allow contracts to end, re-model and procure SLIS through open tender, as part of wider interpreting services. It's possible that some small savings could be made in this way. There is a risk in doing so, that a general language provider would be unable to adequately meet service users' needs, generating complaints and dissatisfaction. This model has been poorly received by service users in the past, and the ability of general language providers to deliver sign language interpreting has not always been effective. Recently a local health provider commissioned sign language services as part of a wider interpretation service. The outcomes were very poor and the health provider received a high volume of complaints. This led to the health provider terminating the contract and making contract arrangements with NDS

Background Papers:

None

Unpublished background papers:

Procurement Options SLIS Oct.2015.doc, Procurement Options Day Centre Oct.2015.doc

Published Works:

Portfolio Holder decision 0501 - Tendering for deaf interpretaion services (05/11/2012)
 Portfolio Holder decision 0452 - Deaf services - day Centre contract award (28/09/2012)

Affected Wards:

Citywide

Colleague / Councillor Interests:

None

Dispensation from Financial Regulations:

Yes

Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	N/A
Equality:	EIA not required. Reasons: This is a continuation of existing activities, so there will be no adverse impact on citizens
Social Value Considerations:	N/A
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	18/01/2016
Advice Sought:	Legal, Finance, Procurement
Legal Advice:	<p>This report does not raise significant legal issues. The original SLS and NDS contracts were awarded subject to a procurement regime where there was no requirement to advertise a tender for the contract in the official journal of the EU notwithstanding the financial value. A new procurement regime came into force in February 2015 and under the new so called 'light touch regime' contracts in excess of approximately £650,000 have to be advertised. These contract extensions can be considered as a new direct award for the services but which is below that new threshold. On that basis the dispensation from Contract Procedure Rules is supported.</p> <p>Advice provided by Andrew James (Team Leader Contracts and Commercial) on 03/12/2015.</p>
Finance Advice:	<p>See appendix for financial advice</p> <p>Advice provided by Darren Revill (Finance Analyst) on 13/11/2015.</p> <p>Advice documents: Continuing Services for the Nottingham Deaf Community-Financial Comments.doc</p>

Procurement Advice:

Although it wasn't made explicit in the tender, the intention was always to have the ability to extend the SLS service. The value of the extension will bring the contract value over the EU threshold however as a limited market it is likely to be low risk. Approval to dispense with Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.29 (Operational Issues) to allow for a two year extension as was intended, is supported from a procurement perspective.

An extension for the funding for the NDS Community Centre in order to bring this service in line with the SLS service will enable the two elements to be reviewed and considered together at the end of the contract term. Approval to dispense with Contract procedure rule 5.1.1 in accordance with Financial Regulation 3.29 (Operational Issues) to allow for a two year extension is therefore also supported from a procurement perspective.

Advice provided by Kate Lowman (Lead Procurement Officer) on 03/11/2015.

Signatures

Alex Norris (Portfolio Holder for Adults and Health)
SIGNED and Dated: 08/01/2016
Alison Michalska (Corporate Director for Children and Adults)
SIGNED and Dated: 07/01/2016
Theresa Channell (Head of Corporate and Strategic Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 06/01/2016
Chief Finance Officer's Comments: