

COMMISSIONING AND PROCUREMENT SUB-COMMITTEE – 12/06/18

Subject:	Sign Language Interpretation Service for Deaf citizens		
Corporate Director(s)/ Director(s):	Candida Brudenell, Assistant Chief Executive/Corporate Director Strategy & Recourses Alison Michalska, Corporate Director Children & Adults		
Portfolio Holder(s):	Councillor Sam Webster, Portfolio Holder for Adults Social Care and Health		
Report author and contact details:	Lisa Lopez, Commissioning Manager Email: lisa.lopez@nottinghamcity.gov.uk Tel: 0115 87 62746		
Key Decision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Subject to call-in <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reasons: <input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision	<input type="checkbox"/> Revenue <input type="checkbox"/> Capital		
Significant impact on communities living or working in two or more wards in the City	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Total value of the decision: £165,225.00			
Wards affected: All	Date of consultation with Portfolio Holder(s): 30 May 2018		
Relevant Council Plan Key Theme:			
Strategic Regeneration and Development	<input type="checkbox"/>		
Schools	<input type="checkbox"/>		
Planning and Housing	<input type="checkbox"/>		
Community Services	<input type="checkbox"/>		
Energy, Sustainability and Customer	<input type="checkbox"/>		
Jobs, Growth and Transport	<input type="checkbox"/>		
Adults, Health and Community Sector	<input checked="" type="checkbox"/>		
Children, Early Intervention and Early Years	<input type="checkbox"/>		
Leisure and Culture	<input type="checkbox"/>		
Resources and Neighbourhood Regeneration	<input type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
<p>There are approximately 1,500 – 2,000 profoundly Deaf citizens living in Nottingham and Nottinghamshire. British Sign Language (BSL)-using Deaf citizens tend to have BSL as their first language, rather than English or another written/spoken language. This can have a significant impact on their experience of using Health and Social Care services.</p> <p>Nottingham City Council has a legal duty to offer services that are accessible and appropriate to all sectors of the community under the Equality Act 2010 and Human Rights Act 1998.</p> <p>To address this need, Nottingham City Council commissions a Sign Language Interpretation Service (SLIS), jointly with other public sector partners to maximise efficiency. This contract is due to end 30th November 2018. This report recommends that Nottingham City Council jointly re-commissions the SLIS, adjusting the proportions paid by each partner to more accurately reflect the demands of the service and maximise efficiency.</p>			
Exempt information:			
None			
Recommendation(s):			
1 Approve the expenditure of £165,225 (for NCC's service element of the contract) over the entirety of the contract term for the provision of the Sign Language Interpretation Service (SLIS) detailed in Appendix 1.			

2	Approve the procurement of the Sign Language Interpretation Service detailed in Appendix 1 , jointly with Nottinghamshire County Council, NHS Nottingham City Clinical Commissioning Group (CCG), Nottinghamshire County CCGs (x5), and Nottingham University Hospital (NUH) through an appropriate procurement process, and to award the contract for the services based on the outcomes of the procurement process. The approved contract would commence on 1 st December 2018, for a three year period with an option to extend on an annual basis for a further two years (i.e. 3+1+1), to a maximum of 5 years in total.
3	Delegate authority to the Head of Service for Contracting and Procurement to approve the outcome of the procurement processes and award the contract to the provider that is deemed most suitable to provide these services.
4	Delegate authority to the Provider Performance and Development Manager to sign the final contract and agree annual extensions on the basis of performance and budget availability.

1 REASONS FOR RECOMMENDATIONS

- 1.1 To provide a single consistent signing interpretation service for Deaf citizens for access to Health and Social Care services across Nottingham City and Nottinghamshire County. Consistency in interpreters reduces the need for the citizen to repeat history for each appointment, reducing time required in appointments and allowing citizens a greater degree of privacy by limiting the number of people they disclose personal information to. A single service supports ease of booking and direct access for both citizens and service providers, and avoids confusion regarding which service to engage.
- 1.2 To ensure a high level of citizen and organisational satisfaction with the service. Having a single block contract increases the reliability of the service, and reduces the likelihood of appointments being unfulfilled/cancelled, and reduces time wasted for Social Care and Health services. (This is evidenced by feedback from other authorities who spot purchase services). The contract will include drop-in access, which is important to Deaf citizens, especially older Deaf adults who may be less familiar with technology, and which is unlikely to be viable as a standalone service.
- 1.3 To support the fulfilment of statutory duties towards Deaf citizens. The Equality Act 2010 requires all City Council services to ensure that 'reasonable adjustments' are made to enable deaf people to use their services. This includes communication support, such as sign language interpreters, to enable Deaf citizens to access services.
- 1.4 To improve efficiency and value for money in the services we commission. The new contract will include an element of out of hours support – this is particularly important for Health partners, and will also be valuable to the local authorities with regard to Social Care duty teams. Using a block contract will ensure that this activity is not charged at a higher rate. The new contract will also require the provider to utilise modern technology where appropriate, to maximise efficiency in their own operations and ensure that Deaf citizens are empowered to make the most of technological advances where they wish to do so.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Key local and national drivers

The Equality Act 2010, and **The Human Rights Act 1998** require public bodies (such as local authorities) to provide services that are non-discriminatory; actively promote equality and respect the needs of seldom heard or underserved people. The Equality Act 2010 requires all City Council services to ensure that 'reasonable adjustments' are made to enable deaf people to use their services. Under the Equality Act, Deaf people are included in the protected characteristic of Disability. Communication support, such as sign language interpreters for people with hearing loss, is likely to be considered a 'reasonable adjustment' as required under the Equality Act.

Nottinghamshire Sustainability and Transformation Plan (STP)

The Nottinghamshire STP feedback report (published June 2017) highlighted that access to services could be improved with more provision of BSL for Deaf people. There is also acknowledgement of a lack of consultation with Deaf service users in the development of the plan, along with a commitment at STP Board level to take forward ideas for improving the experience of Deaf people.

BSL Charter

Nottingham City Council has signed the BSL Charter and has committed to improving access for Deaf people to the services it commissions. The BSL Charter contains key pledges including ensuring access to information and services for Deaf people, ensuring staff working with Deaf people can communicate effectively using BSL, and consulting regularly with the Deaf community.

2.2 Current service

A Sign Language Interpretation Service is currently being provided by Nottinghamshire Deaf Society. Details of the commissioned service is shown in **Appendix 1**.

2.3 Risks

The overall value of the contract is high due to the number of partners involved, and the significantly higher funding contribution from Health partners due to far higher demand for the SLIS in Health services. This increases the complexity of the procurement process. However, there is significant benefit to Deaf citizens in having a single reliable, high quality sign language interpretation service which is consistent across Nottingham City and Nottinghamshire County local authorities, schools, GPs, dentists, opticians, pharmacies, Nottingham Emergency Medical Service (NEMS) and Nottingham University Hospitals. These partners are all currently commissioning services which are being delivered by a single provider.

2.4 Consultations

Consultations with Deaf citizens took place face-to-face in May 2018, and online via Survey Monkey over a period of 6 weeks in May and early June 2018. Online surveys are currently live, and include video clips of the signed questions and answers.

Key themes from consultations to date are –

- Whilst some Deaf citizens are confident in using technology such as Skype and video relay to assist them in communicating, many lack the confidence and skills to make the most of this technology. However, many of those

consulted would value the opportunity to learn and familiarise themselves with communication technology.

- Deaf citizens value being able to book a specific individual interpreter through a local service. This allows them to choose the same interpreter for repeat appointments if they prefer, rather than repeat their personal history to a number of individuals. It also increases the interpreter's understanding of the Deaf citizen's needs, reducing the likelihood of misunderstandings and reducing the time spent on clarifications and explanations during appointments.
- Many Deaf citizens book appointments by physically attending Nottinghamshire Deaf Society for support. This has become common practice, and is regarded as more reliable, especially by older Deaf citizens. There's concern that frail elderly Deaf citizens will become increasingly isolated as they become less physically able to do so. Deaf citizens want to be able to choose how they book Health and Social Care appointments, e.g. by text messaging, video relay and Skype, as well as attending in person. There is an identified training need to address use of technology, which could be incorporated into the SLIS contract.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Make no changes to the service - re-commission the service at 2017/18 costs. Analysis of performance indicates that the proportion of funding agreed previously by partners is not reflected by current usage levels. Proposed costs for all partners have been recalculated for the 2018 procurement, in line with current usage levels. The new proposed values represent a saving to Nottingham City Council of £20,758 per year. If we re-commission the service at 2017/18 costs the funding split will not be equitable and the saving will not be realised. Therefore this option has been rejected.
- 3.2 Tender the Service solely as NCC and do not undertake a joint process. The economies of scale that present themselves through a joint procurement process enable the Council to achieve best value for money, and create a more robust contract offer for the successful provider. It's unlikely that the same value for money could be achieved by commissioning a separate service. Such a model would also fail to deliver an integrated service for the Deaf citizen and would lead to unnecessary confusion and duplication. Therefore this option has been rejected.
- 3.3 Do nothing - allow contracts to end and not re-commission services, removing support for Deaf citizens outside personal budgets. All services have a statutory obligation under the Equality Act 2010 to ensure that 'reasonable adjustments' are made to enable Deaf people to use services. Not providing an adequate signing/interpretation service could be deemed to be in breach of the Equality Act 2010. Alternative sign language interpretation can be purchased individually as required. This is likely to result in a more expensive, less reliable service (see 1.4 above). This is a politically sensitive area which is likely to give rise to public challenge by the Deaf Community. Therefore this option has been rejected.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 As detailed in the recommendations within this report and Appendix 1, the contract value to Nottingham City Council will be to a maximum of £33,045 per annum and

5 years (3 years with an option to extend for a further +1 +1 years), a total value of £165,225.

- 4.2 Whilst Nottingham City Council will lead the procurement on behalf of partner organisations, contract arrangements will define partner payment arrangements and therefore the value of this decision has been determined as the value to the Council.
- 4.3 The proposed contract value will result in an annual saving to the local authority of £20,758 (£103,790 over the life of the contract) as detailed in Appendix 1 and contribute towards savings included in the Council's Medium Term Financial Plan (MTFP). Any savings in excess of the value above will be captured pending the outcome of the tender process.
- 4.4 The re-procurement of this service will deliver value for money as detailed by the report author through:
- Jointly procuring with partner organisations to achieve economies of scale.
 - A competitive tender process delivering best value in cost, service quality and outcomes.
 - A contract term that will ensure continuity of delivery and allow sufficient timescales to achieve service improvements and efficiencies.
 - Commissioning services that meets the needs of the people of Nottingham including out of hours support and the utilisation of modern technology.

Darren Revill, Senior Commercial Business Partner. 19/05/2018

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

Procurement Comments

- 5.1 The proposed procurement of the Sign Language Interpretation Service will be conducted by the Council's Procurement Team as lead on behalf of the joint commissioning partners. The contract will be subject to the EU Public Contracts Directive and UK Public Contracts Regulations (Light Regime) and will be procured through a compliant open process in accordance with the Council's Contract Procedure Rules and the EU and UK regulations. The tender will secure best value in terms of cost, service quality and outcomes for citizens and will seek to maximise the wider social value benefits delivered. The joint contract should clearly set out the financial arrangements between the commissioning partners and the liabilities of all parties.

Jo Pettifor, Category Manager – Strategy and People. 14/05/2018

5.2 Legal Comments

The current contract for Sign Language Interpretation Service for Deaf citizens is due to expire later this year and the Council is required to re-tender the services to continue its commitment of supporting and improving access to services for Deaf citizens within the city.

- 5.3 The report seeks approval to undertake a tender process to establish a contract with other commissioning partners for a combined service going forward. Nottingham City Council will lead on the procurement with input from the other

partners and this is hoped to achieve a more streamlined, consistent service to citizens across Nottingham City and County.

- 5.4 The report proposes an initial term of 3 years with 2 further options to extend for up to 1 year each time at the Council's sole discretion (3 +1+1) which is hoped will allow the Council to manage the contract efficiently, ensuring value for money and flexibility in delivery of the service.
- 5.5 Legal services will continue to work with the service area and procurement colleagues during the tender process to ensure that the requirements are accurately developed within the contractual arrangements with the other partners and the chosen provider.

Dionne Screamton, Solicitor, Contracts and Commercial 15/05/2018

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE (STRATEGIC REGENERATION COMMITTEE REPORTS ONLY)

6.1 N/A

7 SOCIAL VALUE CONSIDERATIONS

- 7.1 The service will require a local base in a central location in Nottingham City, from which to deliver face-to-face support. As such the service is likely to provide employment opportunities for Nottingham citizens, and this is likely to include citizens from the Deaf community.
- 7.2 The service will support Deaf citizens to access information on services, support and opportunities such as training and post-education opportunities, which are available to them. In doing so, the service is likely to support and enable some Deaf citizens to access/return to the workplace, or take part in activities in their local community, where they previously may have felt unable to do so, raising aspirations and supporting Deaf citizens to make appropriate and productive contributions to society, in line with their aspirations and abilities.

8 REGARD TO THE NHS CONSTITUTION

8.1 N/A

9 EQUALITY IMPACT ASSESSMENT (EIA)

9.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:
(Please explain why an EIA is not necessary)

Yes

Attached as **Appendix 2**, and due regard will be given to any implications identified in it.

10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

10.1 NDS BSL Interpreting Service, GNET (J. Mather) April 2018

11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

11.1 Legislation, Policies and Strategies

- The Equality Act 2010
- The Human Rights Act 1998
- Nottinghamshire Sustainability and Transformation Plan (STP) 2017
- BSL Charter 2003

11.2 Documents

- Delegated Decision - Sign Language Interpretation Service (SLIS), May 2018
- Adults with Physical and Sensory Impairments JSNA, Nottingham City, Jan 2018
- Not Equal: Experiences of Deaf people accessing Social Care in Sheffield, Healthwatch report, Jan 2018
- Standards For Interpreting Service Providers, Association of Sign Language Interpreters (ASLI), 2017
- BSL Charter report, British Deaf Association, April 2017
- Research into the Deaf audience in the UK, Final report to the British Sign Language Broadcasting Trust, OPM, Dec. 2015
- National Registers of Communication Professionals working with Deaf and Deafblind People (NCRPD) Code of Conduct, NRCPPD Nov. 2015
- Accessing Public Services: Issues for Deaf People, British Deaf Association, Dec 2014