

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Councillor Alex Sanderson, Cabinet Member for Children and Education

Date: 18/10/2022

Subject: Translation and Interpretation Services Procurement Strategy

Report author: Sophie Veitch, Commissioning and Transformation Lead, and Adie Smith, Programme Lead

Responsible Director: Jacqui McShannon – Strategic Director of Children’s Services

SUMMARY

The current contract for Translation and Interpretation Services ends on 31st March 2023 with no option to extend. This report seeks approval of a strategy to recommission this service by way of a competitive procurement exercise to ensure residents in need of translation and interpretation services are able to access such support.

RECOMMENDATIONS

The Cabinet Member for Children and Education approves:

1. This procurement strategy to recommission a new Translation and Interpretation service contract for a duration of three years with the option to extend for a further two years, at a forecasted contract spend of £250,000 per annum (based on current usage and current prices), bringing a total contract value after extension to £1,250,000.

Wards Affected: All

| Our Values | Summary of how this report aligns to the H&F Values |
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| Building shared prosperity | Increasing the employment opportunities for foreign nationals within the borough. |
| Creating a compassionate council | This contract enables those who struggle with the language barrier, to still access support services. |
| Doing things with local residents, not to them | Promotes inclusion to all. Encouraging all residents to engage with their council. |
| Being ruthlessly financially efficient | Incorporating a contract with a fixed |

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| | price in a financial climate of inflation. |
| Taking pride in H&F | Promoting the fact that the council demonstrates inclusivity and welcomes the views and opinions of all. |
| Rising to the challenge of the climate and ecological emergency | The contract will permit the use of telephone and zoom translation services, reducing the need to travel and adding to the hybrid way of working. |

Financial Impact

The services will be provided within the current approved revenue budgets of £210,100 (shared from Children's Services at £134,800 and the other Departmental budgets across the Council of £75,300).

However, it should be noted that this is a service where the expenditure can be affected by the level of demand. If any pressures should arise (as may happen in 2022/23) then these will need to be managed by compensating mitigations across all Departments of the Council.

The procurement of this service as a Council wide contract will reduce procurement costs and should also provide better value for money.

Suresh Perumal, Principal Accountant, 14/09/2022

Verified by Tony Burton, Head of Finance, Children's Services and Education, 20/10/22

Verified by Sukvinder Kalsi, Director of Finance, 02/11/22

Legal Implications

Translation and interpretation services are necessary for the Council to undertake some of its functions effectively. It is therefore lawful for the Council to procure these services as they are incidental to and calculated to facilitate the discharge of its functions.

The value of the contract means that it is a public services contract within the meaning of the Public Contracts Regulations 2015 (PCR). The CCS framework was procured in accordance with the PCR, and the Council is entitled to call-off contracts under it. The Framework allows both for direct awards to those on the framework and mini competitions among the providers appointed to each lot. The proposed procurement will involve a competitive tendering process among the providers on the relevant lot. The terms of the PCR will therefore be complied with.

This is a high value contract for the purposes of the Council's Contract Standing Orders. The use of a suitable third party framework is a compliant means of procurement under the CSOs. The requirements of CSO 18 will therefore be fulfilled by the implementation of this strategy.

John Sharland, Senior solicitor (Contracts and procurement), 2 September 2022

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Background

1. In March 2017, cabinet approved the award of a contract for Translation and Interpretation Services to Language Empire Ltd for a period of five and a half years from April 2017 to October 2022.
2. The contract was called-off via a Crown Commercial Services (CCS) framework following a mini-competition in which Language Empire were the successful tenderer. CCS is an established organisation that creates frameworks to enable Local Authorities and other public sector services to access already developed markets.
3. This is a demand-led contract, with payment dependent on usage. Rates were therefore set at the start of the contract and reviewed with Language Empire at the time of the two-year extension to ensure good value for money in comparison to other market rates.
4. During this time, there has been a significant increase in demand against this contract due to unforeseen circumstances such as needing to provide support for Afghan and Ukrainian refugees, alongside Unaccompanied Asylum-Seeking Children (UASC). Officers have worked closely with the provider during the contract period to increase availability, reduce costs and streamline services, however as this is a demand-led service, higher usage of the contract has led to increased costs for the Council.
5. Whilst demand cannot be reduced, officers will continue to work closely with the new provider and other Council services to generate awareness of the new contract, limit off-contract spot-purchase arrangements, and ensure that translation and interpreting services are being used wisely and effectively, to ensure that costs are kept to a minimum and good value for money is delivered.
6. Children's Services account for approximately eighty percent of the current contract's use and therefore acts as the lead commissioner for this service. Other services across the council are able to access the contract subject to their own approvals for usage.

Reasons for Decision

7. The contract expired in September 2022 and there was no option to extend. In order to ensure the continuity of provision a short-term direct award was completed for a period of six months. There is now a need to go back out to

the market to undertake a competitive tender process to ensure there is a high quality, value for money contract in place that has sufficient capacity to meet demand.

8. Whilst there is no legal obligation for the local authority to provide translation or interpreting services, the Council has a responsibility to tackle discrimination and advance equality of opportunity under the Public Sector Equality Duty (2011) included within the Equality Act 2010. Part of this is ensuring that the provision of information and services is accessible and that residents are communicated with effectively. Hammersmith and Fulham Council makes use of interpreters in a wide variety of settings to deliver statutory services and ensure that residents are able to receive appropriate support.

Contract Specifications Summary

9. The Council requires a single contracted provider to provide services in the following four key areas.
 - Written Translation, Transcription and Ancillary Services.
 - Telephone Interpretation and Video Language Services.
 - Non-Spoken Face to Face and Video Language Services.
 - Face to Face Interpreting Services.
10. The supplier will be required to deliver all booking, invoicing, and reporting functions through one managed service.
11. The supplier will also be expected to take steps to work with the Council's adult education team by taking steps to develop and increase both local interpreter quantity and quality.
12. The framework includes a suite of Key Performance Indicators in which the provider will be required to deliver against.

Procurement Route Analysis of Options

13. Option 1 – Let provision of translation and interpretation services end in March 2023. (Not recommended)

In Hammersmith and Fulham we are proud to be a multi-cultural and diverse borough, with over 100 different languages spoken. The Council is required to have sufficient translation and interpretation services to support residents in accessing other services. Not having a translation and interpretation service would pose a significant barrier to residents who could not access these services without this support.

14. Option 2 – Not award a new contract and allow spot purchasing as and when need dictates. (Not recommended)

In a context where demand for these services is increasing, this option will not provide good value for money as spot purchase rates are likely to be higher than negotiated contract rates. There would also be no governance over spend

across the council. This option will not support the Council's strategy towards financial efficiency.

15. Option 3 – Undertake an open tender procedure. (Not recommended)

This option is resource intensive and does not present an efficient use of officer time. It also would not guarantee bids from quality assured providers.

16. Option 4 – Tender via Crown Commercial Services Framework. Recommended)

This framework is used widely across the public sector and used to supply the Home Office and other Government Offices with Translation and Interpretation Services. Due to this level of use, it gets the most exposure, receives the most gravitas and is well resourced.

There are six lots within the CCS framework. We will be running a mini competition from Lot 5G – Regional Managed Services – London. CCS have assessed providers in creating the framework. A mini competition will be conducted to evaluate submissions against H&F specific criteria to source a provider with expertise in delivering these services. Tenderers will also submit their proposed delivery rates as part of their submission and bids will be evaluated against value for money offered.

It is recommended that this contract have a term of three years with the option to extend for an additional two years subject to satisfactory performance, resulting in a total term of five years. It is expected that a contract of this length will support driving value for money.

Market Analysis, Local Economy and Social Value

17. There is a strong and competitive market for Translation and Interpretation Services with organisations based both locally and nationally. The recommended approach via the CCS framework will provide access to this well-developed market negating the need for market engagement. CCS vet and review suppliers regularly which saves authorities significant time in finding suppliers and checking their reliability

Risk Assessment and Proposed Mitigations

18. Risk to the Council of increased use of spot purchase arrangements resulting in unnecessary increased spend. This risk is being mitigated against by undertaking a mini-competition from an established framework; ensuring value for money and robust contract governance.
19. Risk that services are being purchased from suppliers who do not meet the Council's Quality Assurance measures. This risk is being mitigated against by the robust vetting measures in place by the Crown Commercial Service in awarding contractors to this framework as well ensuring all providers meet the minimum standards via the selection questionnaire.

Timetable

20. Please include an estimated timetable of the competition process through to contract commencing.

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| Key Decision Entry (Strategy) | September 2022 |
| Contracts Assurance Board (Strategy) | 2 November |
| Cabinet Member Sign off (Strategy) | 14 November |
| Distribute to Cabinet Members (48 hours) | 15-16 November |
| Allow for call-in period (3 days) | 17-22 November |
| Open tender | 21 November |
| Closing date for clarifications | 25 November |
| Closing date for submissions | 5 December |
| Evaluation of Tenders | 7 December |
| Key Decision Entry (Award) | 9 December |
| CLT (Award) | 10 January 2023 |
| CAB (Award) | 18 January 2023 |
| Cabinet Member (Award) | 23 January 2023 |
| Distribute to Cabinet Members (48 hours) | 24-25 January 2023 |
| Allow for call in period (3 days) | 26-31 January 2023 |
| Find a Tender Service Contract Award Notice | 30 January 2023 |
| Contract engrossment | 31 January 2023 |
| Contract mobilisation and implementation | 1 February 2023 |
| Contract Commencement date | 1 April 2023 |

Selection and Award Criteria

21. To access the CCS framework, a further competition is required to secure formal quotations from the service providers listed on the framework tailored to the Council's specific requirements.
22. To be compliant, the mini competition must be conducted in the following way:
- Develop the service specification and identify the suppliers who can meet the Council's needs
 - Use Framework schedule 6 to refine the contract deliverables
 - Develop further competition award criteria
 - Invite all identified suppliers to submit a tender in writing via Capital E-Sourcing
 - Set a time limit for the submission of tenders
 - Keep each tender confidential until the time limit set out for the return of tenders has expired
 - Apply the published award criteria to each submitted tender
 - Award the call-off contract by sending a completed and signed Framework schedule 6 to the successful supplier (this can be done electronically)
 - Provide unsuccessful suppliers with written feedback on why their tenders were unsuccessful
 - Notify CCS of the award by email
 - Publish the contract on contracts finder for transparency purposes

23. Bidders will be expected to complete a Selection Questionnaire (Pass/Fail) before proceeding to the technical and commercial envelopes which will be evaluated based on a 70:30 quality:price split as mandated by the framework terms.

Contract Management

24. The Supplier shall nominate a Contract Manager who will take overall responsibility for delivering services under this contract.
25. The Contract will be subject to monthly performance reviews for the first six months, and then quarterly for the duration of the agreement unless otherwise requested.
26. Suppliers will be required to explain in their tender how they would proactively manage the contract, with on-going evaluation of its effectiveness through various methods, including the use of benchmarking, Council satisfaction surveys and Mystery Shopper Exercises.
27. In addition to the KPIs and Management Information listed above, the Council will monitor the contract based on a number of criteria which may include, but not be limited to, the following:
- Ability to handle emergency bookings
 - Ability to source languages
 - Ability to provide continuity of interpreters where requested
 - Number and nature of complaints, and how learning from complaints is incorporated into forward planning
 - Ease of booking
 - Invoicing systems
 - Data management reporting, and ability to track what interpreters are being used for, and what channels are being used by which services and how
 - Fees
 - Quality of reporting
 - Out of hours cover
 - Demonstrated ability to manage bookings
 - To be pro-active in identifying areas of high spend, and pro-actively proffering and promoting solutions to increase efficiencies. (E.g. providing known examples of best efficiencies practice)
 - Promoting use of telephone and/or video interpreting to encourage efficiencies
 - Demonstrated ability to provide information on interpreter welfare, as well as evidence emotional and safeguarding support offered.
 - The supplier will adhere to the requirements of the Data Protection Act and will ensure confidentiality at all times
 - Increasing employment opportunities for foreign nationals within the borough by supporting our Adult Education programme to offer training and development opportunities to residents who inspire to become translators and interpreters. This will be monitored and delivered under

the contractors Social Value commitment, which as a minimum will equal 10% of the contract value.

Equality Implications

28. There are no anticipated negative implications for groups with protected characteristics, under the equalities act 2010, by the approval of these proposals.
29. It is anticipated that there would be no impact in relation to the protected characteristics as the services will remain in place following re-procurement, a continuing positive impact has been identified.
30. As part of the commissioning relationship with the provider, quality of service delivery and protected characteristic groups will be monitored regularly with a focus on actions required for hard-to-reach groups.

Risk Management Implications

31. The report recommends the approval of a procurement strategy to procure a contract for Translation and Interpretation Services via a CCS Framework. This is in line with the Council objective of being ruthlessly financially efficient. The contract provides support residents who speak a range of languages to access Council services.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 1 September 2022

Climate and Ecological Emergency Implications

32. This project is to commission a service that will support and encourage the use of online / virtual appointments for foreign nationals to access council services. This will enable them to access these services without the need for travel from either them or their assigned translator, in turn supporting the Council in its Climate and Ecological Emergency commitment.

Hinesh Mehta, Head of Climate Change, 8 September 2022

Local Economy and Social Value Implications

33. This strategy should commit the procurement to adhere to the Social Value Policy approved by Cabinet on 11th May 2020 and effective from 15th May 2020. Social Value should be a part of the award criteria and will make up a minimum of 10% of the overall assessment as stated in paragraph 34 above. Social value key performance indicators (KPIs) should be part of their contract terms. To be considered, bids must include a proxy social value amount that is a minimum of 10% of the price quoted in the bid. This has been committed to in paragraph 35 above. These Social Value measures should be contracted which has been confirmed above.

34. It is recommended that the project lead for each contract works closely with H&F's Social Value Officer and the contractor to agree a delivery plan soon after the award. This can focus on supporting the Adult Education Service to provide training and development opportunities for foreign nationals living in the borough as stated in paragraph 65 above.
35. Bidders will be required to register on Social Value Portal to enter social value quantitative responses. The successful bidder for each contract is responsible for paying the Social Value Portal management fee for the term of the contract.
36. It is advised that the commissioner works closely with Legal Services to ensure appropriate social value clauses are included in the contract, so that the council can enforce its right to compensation if social value commitments are not delivered.

Paul Clarke, S106 Officer, 1 September 2022