

<b>CABINET</b>	<b>AGENDA ITEM No. 6</b>
<b>11 MARCH 2023</b>	<b>PUBLIC REPORT</b>

Report of:	Stephen Taylor, Executive Director: Adult Social Care & Commissioning	
Cabinet Member(s) responsible:	Cllr Bisby - Cabinet Member for Children's Services	
Contact Officer(s):	Jo Leggett, Commissioning Manager for Children in Care	Tel. 01733 863840.

**TRANSLATION AND INTERPRETATION SERVICES**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> Executive Director: Adult Social Care & Commissioning	<b>Deadline date: March 2024</b>
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> <li>1. Approve the Direct Award to Language Line TI under the Eastern Shires Purchasing Organisation (ESPO) Framework 402_20 Language Services Lot 1c Managed Service for Language Services - Local Government and Wider Public Sector, to provide Interpretation and Translation Services to Peterborough City Council for a period of 4 years (including extension period up to 2 years) and a contract value of £258,000 per annum. The contract shall commence on 8 May 2024.</li> <li>2. Delegate approval to the Executive Director of Adults Social Care &amp; Commissioning to extend the Contract Term up to 2 years (2 periods of 12 months) in accordance with the contract provisions.</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to Cabinet as this is a key decision resulting in expenditure over £500,000.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to seek approval through Cabinet to Direct Award the Interpretation and Translation Services contract to Language Line TI under the Eastern Shires Purchasing Organisation (ESPO).

Approval to award is sought from Peterborough City Council Cabinet as this constitutes a key decision for Peterborough as the expenditure will be in excess of £500,000. This is not new expenditure as finances are already budgeted for these services.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.5:

To make decisions on actions relating to the awarding, assigning and termination of contracts over £500k, and waiving or granting exemptions to Contract Regulations where contracts are over £500k, with the exception any time-critical, operational, or routine decision, which may be determined by the relevant portfolio holder.

### 3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	No	If yes, date for Cabinet meeting	N/A
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### 4. BACKGROUND AND KEY ISSUES

#### 4.1 Context

4.1.1 Translation services are part of the council's Public Sector Equality Duty. The service meets this obligation by ensuring accessibility for people and communities that we serve. For those people who have difficulties communicating in English, whether due to language barriers or disability, access is enabled through the use of interpretation and translation services. This is a corporate contract which is commissioned and contract managed by Children's Commissioning (as Children's Services is the primary user of this service).

4.1.2 In 2018/19, the council entered into a 3-year call-off contract, and in 2022 an options appraisal was completed with the decision to direct award to Capita Translation and Interpretation, via the NHS Shared Business Services (SBS), and the translation and interpretation framework was identified as the best option. Capita subsequently was bought out by Language Line TI in December 2022. It was decided due to restrictive timescales that the council should directly award the contract for an interim period to Language Line TI. Exemption Report E001188 dated 6 July 2023, for a period of 6 months.

4.1.3 The existing direct award contract for translation and interpretation services expired in November 2023, and due to limited resourcing at a time when Cambridgeshire and Peterborough were decoupling, Exemption Report E001188 dated 6 July 2023 was approved for a further 6 months to Language Line; this arrangement expires 7 May 2024.

4.1.4 For the purposes of this paper, data has been analysed for the financial year 2022/23, and parts of the current (2023/24) financial year.

#### 4.2 Budget and Spend

4.2.1 The annual budget for translation and interpretation services is £170,000. In 2023/24, Peterborough City Council is forecast to spend £208,000, resulting in an estimated overspend of £38,000. The 2024/25 financial year budget has been set at £258,000, accounting for increases to demographic demand within this contract.

4.2.2 Since the start of the current contract in April 2018 until March 2023, there was a 37% increase in the annual spend (from £146,675 to £200,269). Due to Peterborough's rapidly growing population, and national migration, these increases are expected to continue. As such, a contract value of £1,032,000 is forecast as the total contract value for the four-year life of this recommended contract award (inclusive of extension periods).

#### 4.3 Usage and Performance

4.3.1 The translation and interpretation service is accessed by teams across Peterborough City Council, and analysis of data within the table below evidences that the overall fulfilment delivered by Language Line is successful and meets need and demand. Please note that the below table does not include telephone calls and translation of documents as these are fulfilled with 100% fulfilment rates.

<b>Face to Face and Pre-booked calls</b>	<b>2022/2023</b>	<b>April 2023-Jan 2024</b>
Total Jobs	2258	2134
Overall Fulfilment %	91%	92%
Complaints	8	2
Compliments	1	1

4.3.2 Further analysis and discussions with the Family Safeguarding Team confirmed that high usage is due to this being the team which has had the highest numbers of court proceedings. Some proceedings have had an international element where multiple documents have needed to be translated. There have also been domestic cases where parents' first language is not English, and the courts and parents have requested that the documents are translated to their native language. Meetings for these families are often very complex with life changing decisions being made for children and their families. Good practice would require that families are offered face to face interpreters where possible in situations as complex as these.

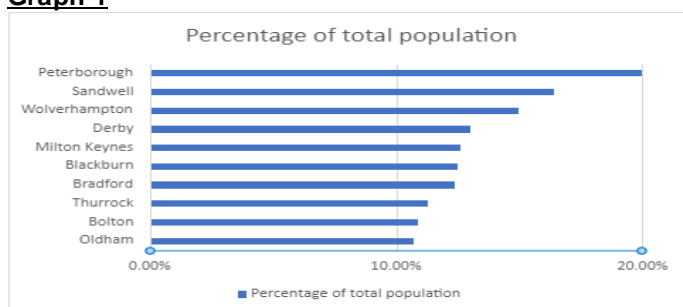
4.4 **Future Demand**

4.4.1 Data reviewed from the [2023 Joint Strategic Needs Assessment \(JSNA\)](#) shows that the population growth in Peterborough has increased by 17.4% between 2011 and 2021 and is forecast to increase by a further 9% by 2031. (Table 2)

Year	Population	% increase
2011	183,630	
2021	215,670	17.4%
2031	235,160	9% increase is forecast

4.4.2 As of 2021, in Peterborough the percentage of people whose main language is English had decreased from 83.9% in 2011 to 80% (2021). [The Joint Strategic Needs Assessment \(JSNA\)](#) highlights that in comparison to the top 10 statistical neighbours, Peterborough has the highest population of those whose main language is not English, cannot speak English or cannot speak English well. (Graph 1)

**Graph 1**



The above statistics demonstrate that there is and will continue to be a growing need for quality translation and interpretation services for the residents of Peterborough and this service is essential in ensuring that Peterborough City Council meets its statutory requirements and duty of care under the Equality Act 2010.

4.5 **Procurement Process**

4.5.1 Procurement and Children's Commissioning deemed that the best option for the recommissioning of interpretation and translation services was to utilise an existing framework. Following top level evaluation, Eastern Shires Purchasing Organisation (ESPO) Framework 402\_20 Language Services Lot 1c Managed Service for Language Services - Local Government and Wider Public Sector was chosen due to competitive pricing and to ensure compliance. Direct Award via a framework carries very little risk as it is a compliant route to market. The framework allows for either mini competition or Direct Award. ESPO have completed the compliant tender process in accordance with UK legislation and suppliers awarded are aware that call off may be via Direct Award.

Benefits to direct award under this framework include:

- The framework is compliant with UK/EU procurement legislation.
- Service providers listed on the framework have been assessed for their financial stability, track record, experience plus technical and professional ability.

- Pre-agreed terms and conditions to underpin all orders, therefore no need to worry.
- The framework has been established in conjunction with a range of customer groups to ensure all requirements are covered.
- Pricing has been established based upon the type of linguist required in order to ensure customers are not overpaying for services.
- The framework covers new technologies in the market (such as video interpretation services), helping to reduce costs and allowing services to be accessed immediately.

- 4.5.2 Following analysis of costings of the 10 providers currently on the ESPO Framework the average annual cost, based on Peterborough City Council's usage in 2022, is £178,331.70. This usage is not reflective of forecasted future demand but provides a benchmark against which recommendations to award the contract can be made.
- 4.5.3 Language Line TI's annual total, based on Peterborough City Council's usage in 2022, is £162,553.47 which is significantly less than the average. Following evaluation of the suppliers on the ESPO Framework, Language Line TI were determined to offer the best value for money for the Authority taking into account the cost of implementation and mobilisation should we move to a supplier that was slightly cheaper.
- 4.5.4 The Direct Award of this contract to Language Line TI will also remove any requirement for an implementation plan and mobilisation period due to them being the incumbent provider.
- 4.5.5 Direct Award to Language Line TI will offer continuity of service to the Council and will guarantee there will be no break in service, as the systems are already embedded and understood by the Council teams who require access to these.
- 4.5.6 Language Line TI has a proven track record of working successfully with Peterborough City Council, and although there are issues raised regarding the accessibility of Face to Face interpreters, this is known to be a nationwide issue since Covid 19 where interpreters are not as amenable to travelling long distances to attend face to face appointments, offering the booking as MS Teams calls. Despite this, Language Line TI has demonstrated that in 2022 they fulfilled 90% of service requests and can meet our volumetric demands, quality and price expectations. The provider has a full understanding of the needs of Peterborough City Council and the direct award of this contract to Language Line will remove the requirement for an implementation period thus minimising any service disruption due to them being the incumbent supplier.
- 4.5.7 It is recommended that the council proceeds to direct award to Language Line TI under the Eastern Shires Purchasing Organisation (ESPO) Framework. The Direct Award would commence on 8 May 2024 for an initial period of two years with the option to extend for two further periods of 12 months (giving a total contractual term of four years). This approach provides Peterborough with opportunities to consider the fast-paced development of technology and the possibility that new systems and innovative tools could evolve increasing the need to consider alternative options in the future.
- 4.5.8 Childrens Commissioning is aware of an alternative service for the translation of documents with Amazon Translate, which would reduce the cost of translation of documents significantly and has the potential to generate savings. This is currently being explored to understand more about the service and how Peterborough City Council can utilise this. Procurement have confirmed that the contract with Language Line TI is not exclusive and therefore we do not have to use all/any of their services and, therefore, utilising this service would not affect the contents of this paper or the recommendation to Direct Award to Language Line TI.
- 4.5.9 The contract will commence on the 8 May 2024, and thereafter will be subject to quarterly contract monitoring as a minimum, during which Commissioning will evaluate and monitor the service provided ensuring continued delivery of a good quality, timely service, with high fulfilment rates delivered within the budgetary envelope.

## 5. CORPORATE PRIORITIES

5.1 The recommendation contributes to the Council's Corporate Policies as follows:

Peterborough is a diverse city with people of many different backgrounds and life experiences. In serving such a diverse population, the Council aims to ensure there is equality of opportunity and access to services.

Interpretation and Translation Services enable all people including children, parents, carers, families and the general public to have equal access to the Council's services and information, have their needs identified and met, and participate in and contribute to the services they receive.

Interpretation and Translation Services also ensure some of the following:

- non English speaking residents are able to access essential services
- ensure people can take part in the democratic process (eg registering to vote)
- support local community groups or intermediaries working directly with new migrants or non English speaking communities
- enable people to function in society and understand rules such as parking controls, rubbish collection
- ensure compliance with legislation and ensure that no-one is disadvantaged because of their inability to communicate.

All of the above apply to the following Council's Corporate Priorities:

1. Our Places & Communities
  - Places and Safety
  - Lives and Workplaces
  - Jobs and Money
2. The Economy & Inclusive Growth
  - Environment
  - Homes and Workplaces
  - Jobs and Money
3. Prevention, Independence & Resilience
  - Educations and Skills for All
  - Adults
  - Children
4. Sustainable Future City Council
  - How we Work
  - How we Serve
  - How we Enable

## 6. CONSULTATION

6.1 Feedback from some of the services who use the Interpretation and Translation service was gained and taken into consideration when writing this report.

6.2 Future engagement will be undertaken with all services within Peterborough City Council who access the Translation and Interpretation Services to gain feedback which will be used to inform service development.

6.3 *This recommendation has been taken to:*

- *Corporate Leadership Team (CLT) - 20 February 2024*
- *Cabinet Policy Forum (CPF)- 26 February 2024*

## 7. ANTICIPATED OUTCOMES OR IMPACT

7.1 Translation services are part of the Council's Public Sector Equality Duty. The service meets this obligation by ensuring accessibility for people and communities that we serve. For those people who have difficulties communicating in English, whether due to language barriers or disability, access is enabled through the use of interpretation and translation services.

The key benefits of the contract will be:

- Enable accurate and timely interaction with varied user groups including our most vulnerable Adults and Children
- Honouring our duty to residents under the Equality Act 2010 to provide equal access to essential services and support.
- Ensure that key information where a translation need is identified is communicated effectively through spoken, written or non-spoken word processes.
- To ensure that all residents regardless of their language or ability are enabled to understand their rights and obligations.
- The Council is compliant with its Contract Rules.

## 8. REASON FOR THE RECOMMENDATION

8.1 This report seeks Cabinet approval for the direct award of a contract for Translation and Interpretation Services to Language Line TI via the Eastern Shires Purchasing Organisation (ESPO) Framework.

The Council has a Public Sector Equality Duty under the Equality Act 2010 to provide its residents with equal access to the support and services we provide, which may bring about additional translation and interpretation requirements.

## 9. ALTERNATIVE OPTIONS CONSIDERED

9.1 **Do nothing.**

This option would result in the Council failing to deliver on its legislative requirements and duty of care under the Equality Act 2010 and would mean that the Council would not be meeting its statutory duties in ensuring fair treatment to all. To do nothing could result in uncontrolled spending on Interpretation and Translation services due to having no formal contract in place. There would be an increased risk of overspending due to having to spot purchase services with unagreed and fluctuating prices. In addition, not having this service covered by a corporate contract with centralised management could mean delays, cancellations, non-delivery and the inability for volume/diverse language requirements to be met, potentially putting residents at a disadvantage.

### **Full Procurement exercise or Mini Competition via the existing framework**

It is estimated that to conduct a mini competition or full procurement exercise including evaluating the tenders, implementation periods, implementing new IT systems, delivering training for Council services in accessing the new provider services, along with settling in a new supplier would take considerable officer time and resources which would far outweigh any cost avoidance or savings that a new provider could potentially deliver. Taking this into consideration this option was not considered to deliver the best value for money for the Council.

Childrens Commissioning are aware of an alternative service for the translation of documents with Amazon Translate which would reduce the cost of translation of documents significantly and has the potential to generate savings. This is currently being explored to understand more about the service and how Peterborough City Council can utilise this. Procurement have confirmed that the contract with Language Line TI is not exclusive and therefore we do not have to use all of their services and therefore utilising this service would not affect the contents of this paper or the recommendation to Direct Award to Language Line TI.

## **10. IMPLICATIONS**

### **Financial Implications**

- 10.1 The 2024/25 financial year budget has been set at £258,000, accounting for increases to demographic demand within this contract. The prices for Language Line TI under the ESPO framework will be fixed over the term of the contract.

### **Legal Implications**

- 10.2 Eastern Shires Purchasing Organisation (ESPO) Framework 402\_20 for Language Services has been extended, expiring on 30 May 2024, therefore the Council shall call-off services via Lot 1c Managed Service for Language Services - Local Government and Wider Public Sector. The call-off process has been conducted in accordance with the framework, and the Council shall enter into a contract with Language Line TI.

### **Equalities Implications**

- 10.3 An Equality Impact Assessment was completed at the start of the commissioning process which outlined a positive impact on particular individuals and groups.

## **11. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 11.1 N/A

## **12. APPENDICES**

- 12.1 None.

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