



Mayor and Cabinet

Report title: Award Report - Interpreting Translation and Transcription Services

Date: 19th April 2024

Key decision: No

Class: Part 1

Ward(s) affected: All Wards

Contributors: Morgan Donohoe (Safeguarding and Inclusion Team Leader – Language Services Contract Manager), Mia Agnew (Senior Lawyer), Floyd Roberts (Principal Accountant), Sorcha Rooney (Senior Procurement and Contracts Officer)

Outline and recommendations

It is recommended that Mayor and Cabinet approve the award of the contract to DA Languages for the provision of an Interpreting, Translation and Transcription Services from 1st July 2024 to 30th June 2027, with the option to extend for a period of up to one year (up to 30th June 2028).

If the recommendation to extend the current contract is granted, the contract would run from 1st September 2024 to 31st August 2028.

Timeline of engagement and decision-making

Contract award is required to ensure a new contract is in place by 1st July 2024 or 1st September 2024 if recommendation to extend is granted.

It is recommended that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting during discussion of this item because it involves the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of part 1 of Schedule 12A of the Act as set out below and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- ***Part 2 of the report contains commercially sensitive information.***

1. Summary

- 1.1. The purpose of this report is to seek agreement from the Mayor & Cabinet to award the contract for Council-wide Interpreting, Translation and Transcription Services, following a competitive tender exercise.

2. Recommendations

- 2.1. It is recommended that Mayor and Cabinet approve the award of the contract to DA Languages for the provision of Interpreting, Translation and Transcription Services from 1st July 2024 to 30th June 2027, with the option to extend for a period of up to one year (up to 30th June 2028) at a total cost of £530,187.00.
- 2.2. It is recommended that the Mayor and Cabinet approve an extension of the existing contract with the incumbent provider, LanguageLine Solutions, for an additional two months to allow sufficient time to plan and implement the transition from one provider to another. This would give a new contract start date of 1st September 2024. This extension would cost the Council approximately £17,200.00. By extending this contract, Lewisham Council will be ensuring that there is no disruption to Language Services during this period. Lewisham Council are required to provide Language Services for their residents to remain compliant with the Equalities Act 2010.

3. Policy Context & Background

- 3.1. The Interpreting, Translation and Transcription Service provides verbal and non-verbal interpreting and translation for residents who use Council services, over the phone, virtually and face to face. These services are a statutory requirement to ensure equality of access and opportunity for all Lewisham residents who use Council services.
- 3.2. The provision of an Interpreting, Translation and Transcription Service is consistent with the Council's Corporate Strategy (2022-2026) priorities, in particular the aims to ensure that:
 - We respect all people and communities - We have a proud history of actively working to tackle inequalities, both across the borough and within the Council, and we will continue to build on this in everything we do.
 - We put service to the public first - We exist to serve and support the residents of Lewisham, and everything we do must always have residents' interests first and foremost.
 - Lewisham continues to be a Borough of Sanctuary, welcoming those fleeing violence and persecution in their own countries and protecting the rights of all migrants, asylum seekers and refugees.
- 3.3. Failure to provide interpreting services will leave the Council liable for prosecution for discrimination under the Equality Act (2010).

4. Services

- 4.1. The Interpreting, Translation and Transcription Service will support residents who use the wide range of Council services, from Social Care services to the Customer Service Centre, by providing the following language services as needed:

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- Face-to-face interpretation (verbal)
 - Face-to-face interpretation (non-verbal)
 - Telephone interpretation services
 - Translation and transcription services
 - Video interpretation (verbal and non-verbal)
- 4.2. The contract will be activity-based, with the Council only paying for the services delivered.
- 4.3. The contract is managed by the Children and Young People directorate but delivers services across all Council directorates. The majority of activity and spend comes from the Children and Young People's directorate, which includes areas such as Family Social Work, Child Protection, Children with Complex Needs, Leaving Care and Looked After Children.
- 4.4. The new specification and contract is designed to improve the availability of face-to-face interpreters and therefore reduce the number of cancellations for these appointments through:
- Including additional financial penalties for the Provider for the non-fulfilment of bookings for statutory Children's Services meetings through the use of identifying these assignments as 'Specialist Bookings'.
 - Incentivising linguists to take on more of the Council's Face-to-Face assignments by offering to pay travel expenses for long-distance travel over 5 miles, in line with the Council's Corporate Rates. This does not include reimbursement for Public Transport as this would not be financially viable for the Council. These rates are currently:
 - Casual users cars and vans (Note: this includes electric cars and hybrids) - 45p per mile
 - Motorcycles - 24p per mile
 - Bicycles - 20p per mile
 - The Supplier will reimburse any billable expenses if they cancel a booking less than four hours before it is scheduled to take place. This is to ensure neither the Customer nor end service users are at a financial loss due to the cancellation.
- 4.5. The contract will be awarded for an initial period of three years (1st July 2024 to 30th June 2027) with the option to extend for a period of up to one year (up to 30th June 2028). Financial implications

5. Tender process

- 5.1. The procurement was carried out via a one-stage tender process using the Crown Commercial Service Language Services Framework (including translation, transcription, interpreting and a quality assurance service). The use of this Framework was approved by David Austin – Director of Corporate Resources on 30th October 2023.
- 5.2. The procurement used Lot 5(g): Greater London Region of the Crown Commercial

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Services Language Services Framework which has the following providers in the Lot:

- AA Global Language Services Limited
- D A Languages Limited
- Global Translation Services Limited
- Language Empire Limited
- Language Line Limited
- Oncall Interpreters and Translators
- Premium Linguistic Services Ltd (Supreme Linguistic Services Ltd T/A Premium Linguistic Services)
- Thebigworld Group Limited
- Word360 Ltd

5.3. The aim of running this further competition was to achieve a high quality service, with better value for money.

6. Procurement process

6.1. Tenders were received on 13th January 2020 from the following organisations:

- DA Languages
- Provider 1
- Provider 2

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6.2. A summary of the Cost analysis and Quality elements for each provider is included below. The cost / quality split was 30% / 70%.

The following criteria were used during the evaluation process:

	Service Category	Weighting
Cost (30%)	Face to Face Interpretation Services (Verbal)	5%
	Face to Face Interpretation Services (Non-Verbal)	5%
	Telephone Interpretation Services	5%
	Video Interpretation Services (Verbal)	5%
	Video Interpretation Services (Non-Verbal)	4%
	Translation Services	3%
	Transcription Services	3%
	Additional Services	0%
Quality (70%)	Service Delivery	8%
	Operations Delivery	7%
	Customer Training and Responsiveness	6%
	Organisational Experience & Capability	8%
	Linguist Vetting & Selection	7%
	Safety & Confidentiality (including GDPR and Data Handling)	6%
	Contract Management & Continuous Improvement	8%
	Equality, Diversity and Inclusion	5%
	Business Continuity/ Contingency Planning	5%
	Social Value	10%

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- 6.3. Two of the criteria – Service Delivery and Organisational Experience & Capability – were assigned a minimum score of seven (7). All other Quality criteria had a minimum score of five (5). Where a bidder did not reach these minimum scores, the Council had the ability to reject the tender.
- 6.4. Tenderers were asked to submit a description of their proposals in the form of Method Statements in order to test their understanding of service requirements. The Method Statements were assessed under the quality criteria, and those provided by the successful tenderer will form part of the contract documentation against which their performance will be monitored.
- 6.5. The evaluation of Cost was worth 30% of the overall score and was calculated using a model that evaluated all tenders against the lowest overall priced submission on a pro-rata basis. Tenderers were asked to submit seven prices – one for each of the services provided (Service Category's) under the contract. The evaluation weighting for each service Cost is set out in the table above. A blended score was calculated for each Service Category that is to be provided. This was done by creating a total cost for a Service Type that is being provided within a Service Category e.g. British Sign Language or Lip speaking within the Face-to-Face (Non verbal) Service Category. The totals for each individual Service Type would then be re-weighted and added together within the Service Category to give a total re-weighted score for each Service Category.
- 6.6. The evaluation of the quality element was worth 70% of the overall score, including Social Value and was awarded based on the responses to the Method Statements. The evaluation weighting for each aspect of Quality is set out in the table above.
- 6.7. The evaluation panel consisted of representatives from Children's Social Care and Education, both of which are part of Children and Young People Services which is the Directorate that uses Language Services the most. Additional support was provided by the Corporate Procurement Team.

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6.8. Table showing scores given to Tenderers.

Price Score %			
	DA Languages	Provider 1	Provider 2
Price score	30	15	10
Price ranking	1	2	3
Quality Score %			
	DA Languages	Provider 1	Provider 2
Quality score	55.6	46.60	57.6
Quality ranking	2	3	1
Overall Score %			
	DA Languages	Provider 1	Provider 2
Overall score	85.6	61.6	67.6
Overall ranking	1	3	2

7. Synopsis of bids

7.1. Please see Part 2 of Report

8. Financial overview

8.1. The Interpreting, Translation and Transcription Service is funded by a number of directorates across the Council. Currently the annual expenditure for 23-24 across directorates is anticipated to be approximately £131,000.00 once we have received the final invoices for the 23-24 financial year. The outstanding charges have been projected using averages from the financial year thus far.

8.2. The projected costs for this Procurement Project sit within a range of £508,446.00 to £551,928.00 for the duration of the contract depending on levels of usage, with an average cost of £530,187.00, equating to £132,546.75 per annum, which has been

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used to project the anticipated overall value of the contract for 3 years +1.

- 8.3. The initial projection for this Procurement Project submitted within the Approval to Procure Report was for £492,000.00, so the revised estimated costs sit within a range of 4%-11% more than previously anticipated.
- 8.4. During the Clarifications stage of the Procurement Project, we advised Tenderers that we would not commit to annual price reviews linked to CPI, so there should not be any uplift for the duration of the contract unless the Council agrees to this in the future.
- 8.5. We anticipate the demand for Language Services to either remain consistent or to grow as the range of languages spoken in the borough increases, due to a rising numbers of Unaccompanied Asylum Seeking Children (UASC) in the care of the local authority, along with Lewisham's continued commitment to being a Borough of Sanctuary.
- 8.6. The contract is activity-based, with the Council only paying for the services delivered, and so these are estimated values based on usage under the current contract.

9. Financial implications

- 9.1. The budgetary requirement is approximately £132,500 per annum, almost 75% of this spend is incurred within the Children and Young People directorate's Children's Social Care service. The 24/25 CYP General Fund budget is £93.9m, the projected annual cost for CYP of £105k of the contract cost this represents 0.1% of the CYP budget. There is no specific budget allocated for translation services within the directorate, however this should be contained within the existing resources as is the current situation.

10. Legal implications

Award of Contract

- 10.1. The Council's Constitution contains requirements about how to procure and manage contracts. These are in the Contract Procedure Rules (Constitution Part IV). Some of the requirements in those Rules are based on the Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment etc) (EU Exit) Regulations ("the Regulations") with which the Council must comply. Given the value of the contract the Regulations do apply.
- 10.2. The report proposes the establishment of a contract for 3 years with an option to extend for up to a further 1 year. The potential value of the contract including the extension is above £500,000, which means that this is a Category A contract for the purposes of the Council's Contract Procedure Rules and one which is to be awarded by the Mayor and Cabinet.
- 10.3. This contract has been advertised as required by the Regulations and the Council's Constitution. The report explains the evaluation approach and process applied to the bid and the reasons for recommending the successful bid for approval. The process followed was in compliance with the advertised and required procedures.
- 10.4. This decision is not a Key Decision under the Constitution.

Extension of Contract

- 10.5. The report also recommends that the contract with LanguageLine Solutions is extended for a period of 2 months without carrying out a competitive process, at a cost of £17,200.00.
- 10.6. The Council is obliged to comply with the procurement Regulations (Public Contracts Regulations 2015). Some variations to existing contracts may trigger a requirement to undertake a new competitive tender process. The Council's Contract Procedure Rules

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set out which variations can be made without a new competitive process (Constitution Part IV I, paragraph 17 of Contract Procedure Rules). This report explains why this short extension to the contract is proposed.

- 10.7. Contract Procedure Rules say that where a contract variation is 'not substantial', the variation can be made (paragraph 17.5). The definition of 'substantial' takes into account matters including the nature and size of the proposed change relative to the original contract, and the likely market effect of the change (including the change to the scope and economic balance of the contract). There is a reasonable argument that the proposed extension is not substantial. As such, the variation does not trigger a requirement to undertake a new procurement. On that basis, therefore, the proposed changes are allowable under the Council's Contract Procedure Rules paragraph 17.

11. Equalities implications

- 11.1. The Council's equalities objectives are addressed in the contract documentation. As part of the tender process the successful provider gave satisfactory details of their equal opportunities policies, which demonstrate that they meet Council requirements. The provider demonstrated how they will work with service users with a variety of needs and backgrounds, regardless of their race, sexual identity, language, religion, disability, age or personal circumstances.

12. Climate change and environmental implications

- 12.1. The Council's environmental objectives are addressed in the contract documentation.

13. Crime and disorder implications

- 13.1. The London Borough of Lewisham has a statutory responsibility under the Crime and Disorder Act 1998 to work with partners to reduce crime, disorder and substance misuse. There are no specific crime and disorder implications arising from this procurement.

14. Health and wellbeing implications

- 14.1. There are no specific health and wellbeing implications arising from this procurement.

15. Social Value implications

- 15.1. The Council has a social value policy which must be applied to all procurements. This requires that officers must consider, before commencing a procurement process, how the procurement might be conducted so as to improve the social, economic and environmental wellbeing of the area. The matters to be considered must only be those relevant to the services to be procured and it must be proportionate in all the circumstances to take those matters into account. The report sets out the social value issues which were part of the procurement process.
- 15.2. As part of the tender process, providers were required to demonstrate their commitment to social value in delivering this service. A method statement on social value was required, which accounted for 10% of the overall evaluation, as part of the quality score. Through delivery of this contract, DA Languages have committed to several of Lewisham's Core Commitments, which are universally beneficial, as well as more targeted commitments that would specifically benefit the Council and its residents. These include a commitment to recruiting 18 linguists local to Lewisham per contact year, career mentoring programmes delivered to the schools of the Councils choosing, workshops for local schools and colleges, free telephone interpretation services for Lewisham based VCSE or charity (60 minutes per month) and offer the expert support of their Translation Project Managers to assist Catbytes by offering free

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translation of marketing materials in the Council's top 5 languages.

16. Background papers

16.1. Please see Part 2 of Report

17. Report author(s) and contact

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17.2. Comments for and on behalf of the Executive Director for Children and Young People

17.3. Author of Financial Implications: Floyd Roberts - Principal Accountant

17.4. Comments for and on behalf of the Director of Law, Governance and HR

17.5. Author of Legal Implications: Mia Agnew - Senior Lawyer

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