

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**20 September 2016**

**Report of the Strategic Director for Adult Care**

**PROCUREMENT OF A BRITISH SIGN LANGUAGE SERVICE**

**ADULT CARE**

**1. Purpose of the Report**

To seek approval to undertake a procurement exercise for the provision of British Sign Language support services from 1 April 2017, for a period of up to three years, subject to annual review.

**2. Information and Analysis**

**2.1 Background information**

On March 15 2016 Cabinet approved a Thematic Review of Sensory Services as part of the wider review of voluntary and community sector funding. That review has considered three areas of service provision that have a common theme, but which relate to three distinct areas of provision. The other two areas are covered by separate reports and relate to visual impairment services and hard of hearing services. The report about hard of hearing services has also been tabled for the 20 September Cabinet meeting.

The review has concluded that BSL support fulfils an important statutory duty for the Council and that it meets service objectives, in particular commitments made in the Deaf Charter. The proposal to undertake a procurement exercise will see a longstanding grant arrangement replaced with a contract. The services procured will be broadly the same as those funded by the grant.

**2.2 Deaf people and BSL in Derbyshire**

A person who identifies as being Deaf with an uppercase D is indicating that they are culturally Deaf and belong to the Deaf community. Most Deaf people are sign language users who have been Deaf all of their lives. For most Deaf people, English is a second language and as such they may have a limited

ability to read, write or speak English. The first or preferred language of many Deaf people is British Sign Language (BSL), which is a visual-gestural language; it has its own grammar and principles, which differ from English.

There is a lack of reliable information about the number of profoundly Deaf people who use BSL as a native language locally and this reflects a wider national problem. The British Deaf Association has suggested that the Deaf population in Derbyshire could be the largest in the UK outside London, because many people move to the area for the Royal School for the Deaf. It is understood mostly people live in Derby itself, but some also live within the County Council boundaries. Based on a GP patient survey carried out in 2009-10 the British Deaf Association cites the figure of 857 people living in Derbyshire, but they feel this is likely to be an underestimate. The current BSL service is funded through a grant arrangement and it is used by about 65 people a quarter.

The existing BSL interpreting service is provided by Communication Unlimited via a grant arrangement. The value of the grant is £38,750.

### **2.3 The proposed BSL service**

The procurement proposals seek to ensure the Council:

- Meets statutory duties in relation to the Equality Act 2010 to make 'reasonable adjustments' for anyone who falls under the definition of disability under the Act. Deafness comes under the definition of physical impairment under the Equality Act 2010.
- Meets local service objectives and performance frameworks
- Meets key national regulatory and good practice requirements

It is proposed that there is a BSL contract to support Deaf people using Council related services. The service should provide BSL interpretation and related information, advice and guidance so people can maintain their independence.

### **2.4 Best practice considerations**

The Equality Act 2010 sets out duties for reducing health inequalities. More specific wellbeing principles are set out in the Care Act 2014 and the NHS and Social Care Act 2012. People should be able to receive services that prevent their care needs from becoming more serious, or delay the impact of their needs. They should also be able to get information and advice they need to make good decisions about care and support.

In addition, the Accessible Information Standard is a legal duty that requires health and social care providers to make sure people can get information

about services and access services by getting appropriate quality support communication quickly.

Compared with the general population the health and wellbeing of Deaf people is likely to be worse than those of the general population and conditions are more likely to be overlooked. Deaf people have lower socio-economic, education and literacy levels. Language barriers frequently prevent the acquisition of information. Language barriers and health knowledge limitations are often barriers to appropriate healthcare. This is likely to lead to the under treatment of long term conditions, so people who are Deaf are at greater risk of preventable ill health.

The County Council is signed up to the charter for Deaf People and this commits the Council to the following five pledges:

- Ensure access for Deaf and Hard of Hearing people to information and services
- Promote learning and high quality teaching of British Sign Language and other methods of communication used by Deaf and Hard of Hearing people
- Support Deaf and Hard of Hearing children and families
- Ensure staff working with Deaf and Hard of Hearing people can communicate effectively in British Sign Language and other methods of communication
- Consult with our local Deaf and Hard of Hearing communities on a regular basis.

A range of co-production events with Deaf people have informed the proposals. In total 70 Deaf people attended three separate events held in Derby and Chesterfield in June this year. The main issues they highlighted are:

- The BSL service should be seen as different from foreign language interpretation; some of the funding treats it as the same and this can create problems for Deaf people. BSL interpretation needs to have the flexibility to offer information, advice and guidance as well as interpretation.
- Deaf people are anxious that a fragmented contract based approach to purchasing BSL will lead to a service that is difficult for them to use. Many problems are multifaceted and not just an education, social care, health or housing issue.
- Deaf people fear changing funding arrangements or reducing funding will put services back decades, a particular fear is that independence will be limited if access to BSL services are tightly controlled. This could lead to mental health problems.
- Deaf people value the opportunity to be able to get support from the same interpreter.

The BSL service will provide block funding to cover a core service. Once the core hours have been used additional hours can be purchased from the provider at an agreed hourly rate. This guarantees dedicated BSL interpreting support for Deaf people accessing the Council's services and gives access to additional support at a guaranteed rate. This is preferable to making ad-hoc arrangements as and when needed, which could lead to an inconsistent service at differential rates and without any assurance of quality. This is particularly important in situations where people are receiving support over a period of time and want to be able to use the same interpreter. The Accessible Information Standard refers to quality and choice as well as access to BSL support.

## **2.5 Equalities considerations**

An analysis of the way the current Adult Care grant is used shows that it helps people access a range of other services as well as social care. A strict access criterion linked to accessing social care, but not supporting access to other support would adversely impact on people, because some of the things BSL is used for at the moment may be more difficult to access. Current investment will be maintained and funding contributions will be sought from other departments. Although the provider may change there will not be anyone who currently receives a service who no longer does so.

Deaf people have expressed anxieties about the possible change of provider that could arise from the contracting process. To some extent this seems to be connected to the importance placed on being able to use an interpreter who people have used before and they are familiar with. It is also because people want the assurance that interpreters are appropriately accredited and trained. TUPE will apply if another organisation is successful and quality will be at the forefront of the contract.

## **2.6 Links to other initiatives**

The Council is trialling a Video Relay Service (VRS), which provides instant BSL support through a web portal. This will improve access and is a good approach for simple enquiries, but not always suitable for support in more complex situations. The two services will complement each other. The BSL service has the potential to play a role in making sure people make better use of VRS.

## **2.7 Timescales**

Subject to Cabinet approving the proposal, tendering will begin in September. Interviews will take place in November and a recommendation will be made to Cabinet in February 2017. It is intended for the new service to begin on 1 April

2017, but TUPE issues may delay implementation and mean that the contract starts as late as June 2017.

### **3. Financial Considerations**

The value of the contract should be a maximum of £38,750 per annum. The total amount for 3 years will be a maximum of £0.116m. This can be met from the existing budget.

### **4. Human Resources Considerations**

The current service is provided by Communication Unlimited. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply to staff if there is a transfer of service provision to another provider as a result of the procurement exercise.

### **5. Legal Considerations**

The procurement will be undertaken in accordance with the European Regulations 2015.

### **6. Social Value considerations**

The service adds value to a wide range of council services and health services by ensuring people who are Deaf are aware of those services and how to get best use from them. This will reduce the risk of social isolation and of under diagnosis, this will prevent problems from intensifying and becoming more difficult to resolve. The tendering process will encourage providers to undertake activities which seek to bring in additional income from grants to complement the activities funded by this contract.

### **7. Other Considerations**

In preparing this report the relevance of the following factors has been considered: Legal and Human Rights, equality of opportunity, health, environmental, transport, property, and crime and disorder considerations.

### **8. Background Papers**

Derbyshire County Council Cabinet 15 March 2016, Extension of Grant Funding in 2016-17, Adult Care Service Statutory Priorities

### **9. Key Decision**

No

**10. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?**

No

**11. Officer's Recommendation**

That approval is given to undertake a procurement exercise for British Sign Language support services from 1 April 2017, for a period of up to three years, subject to annual review.

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MATLOCK**