**DRAFT SUMMARY:**

**National Framework Agreements: A dossier of disgrace**

The National Union of British Sign Language Interpreters (NUBSLI), is currently compiling a dossier of disgrace against the national frameworks being used to procure BSL/English interpreting services.

**Background to union:**

The National Union of British Sign Language Interpreters (NUBSLI), was established in May 2014 after concerns were raised about the governments attempts to cut Deaf people’s AtW budgets by introducing the ‘30 hour rule’. It became clear that in order to provide the legislated access required (eg NHS Accessible Information Standard), the government were set on diminishing BSL/English interpreters fees and working terms and conditions. NUBSLIe now represents approximately 40% of the profession.

**National Framework Agreements (FWAs):**

In December 2014, a notice was placed in the Official Journal of the European Union (OJEU) stating the governments intent to establish national framework agreements for interpreting - including sign language. Being aware of the plight of our spoken language interpreting colleagues (PI4J) within the domain of court interpreting, and the need to defend the quality and future of the BSL/English interpreting profession, NUBSLI launched the #ScraptheFramework campaign (<http://www.nubsli.com/campaigns/scrap-the-national-framework-agreement-campaign/#content-start>).

National Framework Agreements including BSL/English interpreting services have been implemented by the CCS in a variety of contexts over the past years and have been found to be ‘not fit for purpose’. In every case the contract is given to a large spoken language interpreting agency who do not have the specialist knowledge to deliver interpreting services to the deaf/deafblind community. Legislation classes deaf and deafblind people as vulnerable and as such they must be treated differently from those with other language access needs. Inclusion of BSL/English interpreting and other language services alongside spoken language services for non-disabled people, even if this is in separate lots, serves to the disadvantage of the disabled people and this amounts to indirect discrimination.

Professional interpreters must be used for access, and in specific settings, i.e. mental health, all legal work and social care including child protection, the use of fully qualified registered interpreters rather than trainees is essential. Much of the legislation also describes choice and control, relating to how people can elect to receive services, which is not stipulated in contracts and therefore usually does not happen when agencies are providing a service.

Since the DWP marketplace review two significant events have taken place. First, the liquidation of Pearl Linguistics: who in their liquidation meeting cited Frameworks as being part responsible for their business failing. This is clear evidence that the model is not viable, businesses are unable to predict the number of customers and therefore managing finances becomes difficult.

Second, the recent boycott of LanguageLine Solutions by BSL/English interpreters. After being awarded a contract within a national Framework Agreement they attempted to cut interpreter fees by a third, citing the Framework Agreement as reason for this. After a boycott of seven months they conceded that they were not able to fulfill their contractual responsibilities and have since agreed to pay in line with the NUBSLI fee guidance. During the seven months, Deaf people’s access to services were compromised.

Our main concerns about the FWAs:

* Reduced amount of choice and control for Deaf people
* Poorer administration: where large agencies subcontract to smaller agencies, mistakes and wastage are more likely in the booking of professionals
* Lacking accountability - it is more difficult for deaf people to complain about poor services
* Downward pressure on interpreters’ fees and terms and conditions to an unsustainable level
* Inefficient use of public funds on administration rather than access
* Large scale privatisation jeapodises the survival of smaller agencies who have the specialisedlocal knowledge and relationships to meet client need appropriately.
* Despite a regional structure, none of the suppliers are local agencies

**DWP marketplace review:**

The DWP informed NUBSLI that they would be carrying out a marketplace review and invited us to join the steering committee. Despite reservations NUBSLI took this opportunity to ensure the work would be as balanced as possible for a government document. The deadline for evidence was February 2016 but the report wasn’t published until June 2017. Two significant events are therefore not reflected in this document. The first is the liquidation of one of the companies awarded a call off, and the second is the boycott of LanguageLine Solutions (LLS) for attempting to drive down fees by a third.

Pearl Linguistics was awarded a call off under the CCS framework in xxxx. They went into liquidation in month xxx. In their liquidation statement, they cite frameworks as being one of the reasons for their insolvency:

“[..] the Company entered into Framework Agreements which forced it to offer low rates without the supplier really knowing whose business they would eventually get”. It goes on to explain that “the Company started to experience cash flow issues due to the decreasing rates NHS and local

Authority customers paid”. (<http://www.nubsli.com/the-nub/insolvency-document-confirms-framework-agreements-unworkable/>)

In 2016, NUBSLI discovered that LLS intended to cut interpreters fees by a third, again they cited the NHS contracts they were bound by as the reason for this.

On 1st November 2016 (Sheffield) and 1st December (London), BSL/English interpreters voted to boycott these contracts. We made it clear that as soon as sustainable fees were offered again, we would return to working with the agency. In July 2017, LLS conceded that they were unable to fulfil their contracts and agreed to return to paying BSL/English interpreters at the previous rates.

**Case studies:**

NUBSLI has numerous case studies that demonstrate how damaging Framework Agreements are, with deaf people being repeatedly let down and in some cases agencies adopting unethical working practices by..

**Examples of poor practice:**

An agency struggling to source reliable interpreters sent this email to freelance workers:

“Attending the booking is very important, it’s a lifesaving responsibility. Could you live with the fact that small baby didn’t receive the much needed treatment because you did not attend the booking”.

An agency who have been awarded a contract but have no experience working with BSL/English interpreters:

“We have never before worked with BSL interpreters on a regular basis. Our work has always focused on spoken language interpreting and so our terms are currently built around that. [..] We do not have a set of business terms appropriate for BSL”.

An agency’s response to a complaint NUBSLI raised about their practice of providing unqualified and untrained people as interpreters, This highlights the agency’s ignorance of new legislation which NUBSLI had to informthem of:

*“For BSL interpreters there are currently only 7 interpreters who are not registered with a recognised BSL organisation. [...]. I have also forwarded the new NHS standards to the interpreting team, to ensure that we remain compliant with any new regulations*.”