

UK's court interpreters fear cost-cutting is threatening fair trials  
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*Bethan Staton in London*



*Outsourcing has lowered the standard of language services available, professionals claim - Court interpreter Paul Tomlinson says he has witnessed an exodus of qualified interpreters.*

Immigration lawyer Lawrence Youssefian thought he knew his client well, so he was surprised when the asylum seeker he was representing at a hearing earlier this year was reprimanded by the judge for answering evasively. The man, a Dari speaker, who was communicating through an interpreter, had described his experience of fleeing persecution many times before.

But when he was asked whether his business partner had been pursued by militants, he replied instead that his wife had not been targeted. The judge pulled him up for not answering the question. The apparent evasion put Mr Youssefian — who understands some Dari because of his knowledge of Farsi (the two languages have common roots) — on alert. He began to focus more on the translation of the proceedings and a bit later noticed the interpreter had skipped over an entire sentence spoken by his client.

It was then he realised where the problem lay: the interpreter simply did not have a good enough grasp of English and had been unable to distinguish between the terms for marital and business partners. As a result, the judge adjourned the case. “It literally can be the difference between life and death,” Mr Youssefian said. “The nuances of the language you use, and whether your accounts match, can make or break your case.” Accurate court interpreting — the right to understand and be understood — is important. It is enshrined in English law and the European Convention on Human Rights as fundamental to a fair trial.

But professional interpreters and lawyers have warned that this right is increasingly under threat in UK courtrooms following a 2011 decision by the Conservative-led government to outsource interpreting services to agencies to reduce costs. This led to a cut in rates of pay and qualification requirements.

Groups representing interpreters said the low pay made it harder to attract qualified language specialists, leaving less capable linguists to take on complex court assignments.

“We’re looking at the complete de-professionalisation of interpreting,” said Alan Thompson, head of professional body the Association of Police and Court Interpreters. “Interpreters consider themselves professionals working in the justice system. Under outsourcing, we’re treated like paper clips.”

Before court languages services were outsourced, interpreters would earn £30 an hour, with good provision for travel time and minimum rates. They were booked directly by courts from the National Registry of Public Service Interpreters, a voluntary body that vetted those on its books for qualifications and standards. Now, all foreign language interpreters are booked through a single agency, Thebigword, and can earn as little as £18 an hour, with a sharp reduction in benefits. Qualification requirements are also now below what the NRPSI would accept.

Paul Tomlinson, a French and Spanish interpreter based in Birmingham, now rarely accepts court work, not least because it can often leave him out of pocket because of a sharp reduction in travel expenses. He said he has witnessed an exodus of qualified interpreters from the courts, and when he does work in courtrooms, it is often alongside incompetent linguists. “Vulnerable parents whose English is not good can face losing their children, liberty or sometimes both,” Mr Tomlinson said, referring to sensitive family cases he was involved in. Mr Tomlinson’s experience and warning of a “catastrophic” deskilling, was echoed by a dozen interpreters interviewed by the Financial Times.

Klasiena Slaney, a Portuguese interpreter, pointed out that the Crown Prosecution Service still uses the NRPSI to book its specialist linguists and called on the government to reinstate the system for the court services. “The Ministry of Justice has said the national register is obsolete, that we’re not going to need it any more,” she said. “But the government needs to regulate the profession — we need a protection for the title of interpreter.”

Outsourcing of the service did not start well. Within the first year, the House of Commons public accounts committee had described the arrangement as “total chaos”. Capita, the contractor, was fined more than £50,000 by the government and the outsourcing specialist withdrew from bidding for a retendered contract in 2016.

Thebigword, which has the £120m contract until next year, rejected all of the allegations about shortcomings in its service. The company said all the linguists it used were qualified for the assignments they were given. It said official data showed that it provided “reliable, high-quality language services” that were “excellent value for money”. Last year it processed 143,646 interpreter bookings, with a success rate of about 97 per cent, just short of the government target of 98 per cent, and a complaint rate of less than 1 per cent.

The justice ministry also pointed to the statistics, adding that it “monitors services carefully to ensure they are consistently good and accessible”. But lawyers and interpreters said the data hid the problem. Mr Youssefian, who is based at Goldsmiths Chambers in London, said most barristers could not be expected to spot problems with interpreting unless, like him, they had at least some understanding of the language their clients spoke.

Their concerns have been voiced in parliament through Yasmin Qureshi, a barrister and Labour MP, who is concerned the favourable statistics do not tell the whole story. “Contrary to government claims that translation services are working well, I have been repeatedly informed by legal professionals that quality is low and interpreters are both overstretched and under-resourced,” she said.

The collapse of Debonair Languages, one of Thebigword’s subcontractors, underscored the crisis in court interpreting. The company filed for administration in August, leaving some interpreters unpaid.



Mike Orlov, director of NRPSI, said the collapse had destroyed what little trust remained between interpreters and Thebigword. Immediately after it was announced, he wrote to business secretary Andrea Leadsom demanding that she acted to end what he described as the “wild west” conditions of agency work. His letter was passed on to the minister for procurement and he will meet officials at the Ministry of Justice this month.

Mr Orlov accused the government of undermining court interpreting by “focusing on price and supply at the expense of quality”, and warned that it needed to act to guarantee the right to a fair trial.

“If the interpreter doesn’t turn up on time, if they can’t speak the language, if they’re not a professional, then the case is jeopardised,” he said. “It’s unacceptable.”