

## NRPSI initial reaction to the debate in the House of Lords

Read Baroness Coussins intervention in the debate at the Police, Crime, Sentencing and Courts Bill on Monday 22 November 2021

Click this link for the debate itself:

<https://www.nrpsi.org.uk/news-and-links.html> <https://hansard.parliament.uk/Lords/2021-11-22/debates/E73503CA-6A96-4A1E-82D9-156E084FFA71/PoliceCrimeSentencingAndCourtsBill#contribution-DEBBFD05-93BF-497E-B588-627E6BC84C41>

- With regard to Lord Falconer of Thoroton’s question regarding supply issues, it is vital to achieve agreement on principle otherwise expediency based around supply and cost become the standard in terms of engaging interpreters. A good example is the NHS where NHS England guidelines state ‘Spoken language interpreters **should** be registered with the National Register of Public Service Interpreters (NRPSI) and hold a Diploma in Public Sector Interpreting (Health)’ yet we know 15 year-old sons are brought into gynecological consultations, expected to interpret on behalf of their mothers and bilingual native speaking cleaners and porters are deployed as interpreters in often life threatening situations. Because it is not mandated to only engage with independently accredited interpreters, procurement managers in the NHS take the cheapest and quickest route to fulfil the requirement to ensure patients can access primary care services. This engagement is supposed to be delivered in such a way that it ensures language and communication requirements do not prevent non-English speaking patients receiving the same quality of healthcare as those who speak English. Yet this principle dissolves as if it were a sugar cube dropped in hot tea because of the word ‘**should**’ being used rather than the word ‘**must**’. Mandate the principle and then make supply and cost work around the principle has to be the right way forward for the future in not only the MoJ but also the police and NHS as well as other public sector organisations
- Responding and delivering a registered and regulated public service interpreter for each engagement has never been the responsibility of the National Register. Prior to outsourcing, most public-sector organisations sourced their interpreters through their own internal sourcing departments – and could easily find them via the NRPSI database, which is open access. Post outsourcing, many agencies would go to the National Register but because the terms, conditions and fees were so poor many Registrants refused to work for the agencies. These agencies then had to broaden their pool by relaxing standards and thus also paid out less for each engagement, maximising their profitability. If public sector organisations must outsource the engagement process, let it be a transparent process where the contracted agencies are more tightly controlled and fees, terms and conditions are transparent, not cloaked behind commercial and contract protectionism. And let the agencies source the right interpreter from an independently regulated register
- Those who defend the current MoJ system state that, at the highest levels, the criteria for being on the MoJ list are the same as NRPSI. Lord Stewart of Dirlerton’s said; “... the contract provides that, at the highest level, the standard is commensurate with that of the NRPSI”. This is not true. The MoJ system does not require those who have a DPSI Level 6 qualification to have any experience and when questioned about this, the MoJ cannot give a definitive answer on what

experience those on the MoJ list have managed to achieve because this is not captured or logged by the MoJ. Only 4% of those professional public service interpreters who are Registrants on NRPSI are equivalent to the top strata of the MoJ list in that they have a DPSI but have not yet logged 400 hours experience; so 96% of NRPSI Registrants have higher grade experience than those on the MoJ list given the MoJ do not specify any experience levels for those with a DPSI

- With regard to the ‘concerns that mandatory NRPSI membership may give unnecessary control over the supply chain’ I am deeply concerned that Lord Stewart of Dirleton is suggesting NRPSI is a membership organisation which is targeting a land-grab for a supply chain monopoly. I sense actually he is describing the current system which actually is a monopoly managed for the MoJ by a profit-driven privately owned agency. To be clear, NRPSI is a not-for-profit organisation set up at the behest of the judiciary by the Institute of Linguist in 1994 (as it was then) to ensure an independent national register of independently regulated qualified and experienced public service interpreters were available to give voice to the voiceless. If we accept that public service interpreting is a profession and not an ancillary service such as cleaning then it needs to have a professional independent regulator and register. There is no claim of there being a supply chain monopoly of doctors even though they have to be registered and are regulated. There is no supply chain monopoly of registered and regulated nurses. There is no supply chain of regulated and registered teachers.....and the so on. This is the nub of the issue; if there is no appetite by government, public sector organisations and other stakeholders to recognise public service interpreting as a profession, then there will be no mandated independent regulation nor engagement with independently registered professionals. It is ironic that the MoJ describes those on the MoJ list as ‘language professionals’ given so many are bilingual native speakers who have enrolled on a Level 1 PSI course; surely enrolling on a GCSE pass course is not enough to count as a professional, nor indeed, is having achieved a Level 2 or 3 PSI qualification if we believe professionals should be defined as those who have achieved at least a Level 6 qualification. This approach to professionalise public service interpreting in the UK is not about attempts to compete with the monopoly of the supply chain which the MoJ has set up via thebigword, but is about recognising public service interpreting as a profession, bestowing recognition of status through protection of title for those who are fit to practice, ensuring public sector organisations cleave to principles and not melt these principles in the furnaces fueled by focus on supply and cost.
- Lord Stewart of Dirleton’s comment that “the police interpretation contract does not require interpreters to be NRPSI registered” is in part correct - concerning the PAIT scheme. What Lord Stewart of Dirleton failed to say was that the new PAIT scheme has a bottom line of DPSI Level 6 or equivalent with 400 hours of experience; whereas the MoJ bottom line is a bilingual native speaker who has enrolled on a Level 1 PSI course. The new PAIT scheme also made use of NRPSI’s Code of Professional Conduct as a guide for professionalising interpreting in police services where the PAIT scheme operates, albeit missing out on the flip side of the disciplinary processes, which are currently still devolved to those profit driven agencies winning DPS contracts. Lord Stewart of Dirleton also failed to mention that the London Met police, handling in excess of 100,000 interpreting engagements in a 12-month period only engages with NRPSI registered and regulated interpreters; an exemplar amongst public sector organisations
- I fear his next comment (‘We need to complete a full and objective assessment of MoJ needs across the board’) is a further delaying tactic; set the principle now and then work towards

developing a system which will work and which incorporates independent registration and regulation, free of political and commercial pressures. Set a timeline for incremental steps to achieve these principles. But for the sake of those who need professional language services in the MoJ, please let's not delay anymore

- This comment is again deeply worrying: 'The arrangements that we have in place are designed specifically to ensure that our courts and tribunals are supported by high-quality language service interpretation that meets the needs of all our court users, both now and in the future'. Any independent analysis of the data we now have on how the MoJ list and system operates does not support this claim; how can a system where failure rates of tests managed by TLS run at 50% be described as 'high quality'. If the 'needs' of court users are defined by the lowest standards to get on to the MoJ list, then how are the needs of those who actually need the language service being met. If I cannot speak English and am sitting in a bail hearing and someone arrives who is a bilingual native speaker with no training other than a 4-hour course, then how can this possibly be described as fulfilling the needs of court users; it may fulfil the need to 'supply an interpreter' and it may fulfil the need to do it as cheaply as possible – but it does not fulfil the need for effective interpretation for the member of the public
- NRPSI's mandate for 27 years is protection of the public and your speech has certainly sparked renewed energy in the debate about professionalising public service interpreting in the criminal justice system. Let us see it become mandatory for only those who are highly qualified at Level 6 with a PSI qualification, who have 400 hours experience, who abide by the Code of Professional Conduct, who submit to the disciplinary processes of the independent regulator and who are Registered Public Service Interpreters (RPSIs) to be engaged in the MoJ

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