

231207 The Times newspaper coverage of issues in public service interpreting

Entitled: Shortage of Interpreters Delays Trials

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NRPSI Quotes:

Poor quality interpreting — or the absence of a specialist — “means witnesses’ words are not heard, victims’ are not fully heard and an accused cannot get the best possible defence,” Mike Orlov, executive director of the voluntary regulator, the National Register of Public Service Interpreters, says. “It also means that there are miscarriages of justice and court time is wasted while they wait for a qualified interpreter.”

Orlov says that the problem stems from the justice ministry’s decision to outsource the supply of court interpreters to save money after the 2008 financial crash, rather than allowing courts to continue to make their own arrangements by contacting interpreters on the association’s register.

“The number one priority of an outsourced agency is not to the public, but their fiduciary duty to build profits, deliver dividends to shareholders and build shareholder value,” he argues.

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Orlov wants a move away from outsourcing, coupled with an “acceptance of public service interpreters as a profession, with protection of title and an independent regulator”. He also wants an increase in the standards required in public service contracts — a call backed by the crossbench peer, Baroness Coussins, who in 2021 sought an amendment to the Police, Crime and Sentencing Bill to legislate for increased minimum standards in line with the practitioner association’s requirements.

A lack of court interpreters is delaying court hearings and risks miscarriages of justice, The Times has been told — with predictions that the problem is likely to get worse.

Courts and tribunals in multicultural Britain rely every day on the work of freelance public service interpreters to ensure that all parties to cases — victims, witnesses and defendants — understand the process so trials are fair.

But critics argue that a move by the Ministry of Justice in 2011 to outsource provision led to a decline in standards and fees and a consequential drop in the number of interpreters.

An analysis of ministry data by the Criminal Bar Association reveals a five-fold increase in the number of crown court trials adjourned at the last minute as a result of interpreter shortages in the past five years. In the 12 months to June 2023, 89 trials were adjourned for that reason, up from 17 in the year to June 2018. This year's figure was the highest for nine years.

Of those 89 trials, 15 were for sexual offences, 18 for offences of violence and 30 for drugs offences. For the past two years, the figures show that 154 crown court trials were adjourned for want of an interpreter, with more than 80 per cent of cases involving serious drugs, violence and sexual offences. A report published in 2022 by Victim Support, a charity, found that the provision of translation and interpretation services for victims and witnesses in England and Wales who need it was "patchy".

Commenting on the figures, Tana Adkin KC, the Criminal Bar Association's chairwoman, voices concern over the additional delay and anxiety caused to complainants, witnesses and defendants, many of whom have been waiting more than a year for trials.

Adkin tells The Times that it is "a symptom of an underfunded criminal justice system with poor regard to the professionals needed in bringing cases to a just conclusion within a reasonable time" and calls for "urgent investment" to address the lack of good quality interpreters.

Poor quality interpreting — or the absence of a specialist — "means witnesses' words are not heard, victims' are not fully heard and an accused cannot get the best possible defence," Mike Orlov, executive director of the voluntary regulator, the National Register of Public Service Interpreters, says. "It also means that there are miscarriages of justice and court time is wasted while they wait for a qualified interpreter."

A survey by the Magistrates' Association in 2019 found that more than half of its members had experienced delays due to a lack of qualified interpreters and over a quarter had difficulties finding individuals for specific languages.

In asylum and immigration hearings, Zoe Bantleman, legal director of the Immigration Law Practitioners' Association, reports anecdotal examples of instances where interpreters were not booked, failed to turn up or were late, but says she is not aware of widespread problems.

A paper published last month by a public sector working group consisting of leading interpreting and translation associations warns that the shortage of "qualified and competent professionals" could "quickly become acute in an increasing number of languages".

It cited data showing that over the past 12 years, registrations with the practitioners' association fell by 33 per cent from 2,400 registrants in 2011 to 1,600 in 2023, and that over the past three years

significantly fewer candidates achieved the level 6 public service interpreting qualifications, which, with 400 hours of experience, is required to be on the register.

It also highlighted a BBC survey conducted this year, which showed that 10 per cent of public service interpreters who questioned were likely to quit within the next 12 months because of poor remuneration and terms and conditions.

The report suggests that the problems are compounded by the decline in language teaching in schools. Among ten recommendations, the paper proposes fair and equitable fees linked to inflation, a review of the fees paid for travel time and costs, and the promotion and use of qualified professionals.

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In 2016, the Ministry of Justice awarded four-year contracts worth £232 million to thebigword, a company in Leeds that received the lion's share of £120 million; Clarion, a British Sign Language company in Cambridge; and The Language Shop, run by the London Borough of Newham. They took over from the global outsourcing giant Capita, which had the sole contract since 2011.

In 2021, the contract with thebigword was extended but the value and length of the contract are not clear. The company said at the time that in the first four years, it had supported almost 25,000 users in 143 languages and never fallen below the 97.6 per cent fulfilment level.

Three months afterwards it announced a partnership with Susquehanna Private Capital, a US private capital investment company.

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Last year, ministers announced a "full independent review" of the minimum qualifications for interpreters, that has yet to be published.

HM Courts and Tribunals Service said that the complainant rate for interpretation services was less than 1 per cent of cases. "We will always take all possible steps to make sure a qualified interpreter is on hand to help court users if needed," the service said. It confirmed that a review of qualifications has been completed by an independent expert and that it was being considered as part of a wider assessment of requirements.

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