

Agenda for HMCTS: 18th June 2024

Ensure the current booking system for interpreter engagements is working

Currently, in mid- June 2024, there is widespread concern about tbw's newly introduced system causing distress for many interpreters given lack of work and loss of earnings.

Operate the current framework as fairly as possible

- Treat engaged public service interpreters and translators as professionals when they arrive to work at courts and tribunals; halt the practice of making language specialists having to queue with the public
- Accept qualification and experience of those checked by voluntary regulators; NRPSI and NRCPD
- Pay off-contract invoices on time
- Do not accept the practice of 'Zero-rating' of invoices by contracted commercial agencies
- Ensure data of those on the MoJ list is not sent overseas for processing by call centre and compliance departments of contracted commercial agencies based off shore
- Remove as soon as is practicable patently inappropriate qualifications from the current framework, such as Degree in Philology and Degree in Linguistics

Build in fair and equitable interpreter and translator fees at framework level

Define and action interpreter and translator fees at framework level ensuring fair and equitable remuneration for interpreters and translators working in HMCTS settings

Increase contractual transparency on rates to interpreters and translators

Increase transparency on 'pass-through' rates to interpreters and translators and setting adequate and acceptable rates of remuneration for interpreters and translators at framework and contract level – essentially linked to protecting the careers and meeting the cost of living for interpreters and translators operating in HMCTS settings

Review practices and current fees around travel time and travel cost compensation

Review practices and current fees around travel time and travel cost, subsistence, and accommodation, where necessary, ensures that interpreter and translator remuneration does not get eroded by rising travel costs, and that compensation for travel time is commensurate with the type and duration of the assignment

Implement minimum assignment duration/charges to match resource allocation

Implementing minimum assignment duration and charge mechanisms at a level matching the required allocation of time and linguist resources ensures that the overall take-home compensation for in-person assignments is at an adequate level

Ensure cancellation policies are fair and transparent across the supply chain

Reviewing current cancellation policies contributes to transparent practices across the supply chain, and ensures that in the event of assignment cancellations, compensation is fair, adequate, and commensurate to the cancellation notice and length of assignment. Build pathways and support career progressions in interpreter and translator professions

Collaboration between language services stakeholders in building transparent pathways into interpreter and translator professions promotes entry of new professionals into the interpreting and translation professions and supports career progression within the professions

Introduce the right of appeal in to the Lot 4 protocols, prior to making a decision which takes away the right to earn

Ensure practitioners have the right of appeal against a negative Lot 4 assessment prior to making a decision to give the practitioner the chance to defend themselves

Implementation of the proposed new HMCTS framework for language services as soon as is practicable

Ensure the new framework, due to come in to operation in October 2025, delivers on the default of Level 6 vocational qualifications for public service interpreters and translators as well as demanding evidenced experience as defined in the draft framework

Amend the number of evidenced hours of experience from 200 hours to 400 hours

Review the experience criteria for public service interpreters and match 400 hours as accepted by the Police Service's PAIT scheme and as defined by NRPSI

Ensure consultation on outsourcing

Recognising the consultative process and collaborative approach with stakeholders has already proved valuable, prior to implementation of the new framework, consult on a wide basis regarding the practice of outsourcing

Compensation for lost revenue due to actions outside practitioner's control

When an MoJ decision, or one taken by an MoJ contracted agency, leads to loss of income for a practitioner then compensation will be remunerated

Ensure commercial agencies in the value system are regulated by an independent body

Avoid 'marking your own homework' by engaging an independent authority to regulate contracted and off-contract agencies engaged by HMCTS

Remote (online) interpreting and the use of tour guide systems in some courts were introduced without consultation and trialing the system, yet these modes of working impact interpreters' health and welfare

What was the decision-making process in adopting these two new technologies?

By whom were the policies decided and who was consulted?

What tour guide system equipment was purchased, when, and for which courts? On whose recommendation?

What is the status of the Hearing Loop service that used to be available in all courts?

What consideration was given to:

- the actual working practices of interpreters and what they need in order to work effectively;
- interpreters' occupational health;
- the quality of the incoming audio feed interpreters require in order to do their work;
- minimum standards for technological hardware and sound quality;
- any existing minimum standards for remote interpreting and audio equipment and sound quality published by interpreter organisations;
- any measures to prevent hearing damage and voice strain;

-hygiene standards, such as when using the loop in courts - the hygiene standards are poor, given everyone puts the same loop in their ear;

Liaison with professional qualified interpreters who are regulated and registered would help ensure effective technology is deployed.

Details regarding the proposed new framework which PI4J would like to address

Can the term 'pre-professional' be changed to 'L3 Interpreter Level'; there is a sense that the term 'pre-professional' may be seen as demeaning by those who have achieved this qualification, especially if they do not wish to study for and achieve a Level 6 Diploma

PI4J would like to work with the MoJ on granular detail such as defining what are the small number of assignments within the MoJ (outside court and tribunal engagements) which have been identified as appropriate for what is currently labelled a pre-professional interpreter (or a 'L3 Interpreter Level'); which assignments, how will the numbers be monitored and can there be an exhaustive list of settings/situations and /or types of assignment. A seemingly 'straightforward' matter such as bailing a defendant, may be simple *procedurally*, but complex *linguistically* demanding the competencies of a Level 6, experienced 'Professional Interpreter'

Explore moving first-hearings, preliminary-hearings and plea-hearings to be handled by the 'Professional interpreters' level; pre-Diploma 6 training does not prepare individuals for such engagements where the competencies of an experienced and qualified Level 6 professional practitioner may be called upon at any time, as well as in pre/post hearing conferences with solicitors/barristers

An assurance that the 'Exceptions Record' list is purely for pipeline development and not for deployment, even in off-contract bookings. If remuneration, terms and conditions are a quantum improvement on current practices and are attractive and appropriate, commensurate with the qualifications and experience of the 'Professional Interpreter' banding, then there will be many more Level 6 qualified public service interpreters who will gladly begin to work again for the MoJ in court and tribunal settings

Ensure off-contract bookings processes, from initial booking to invoicing and payment, are streamlined and can we have an assurance that those who have Level 6 qualifications and the requisite experience for the default are the first call, even if they are not on the list organised by the MoJ

Explore ways to consolidate spoken language public service interpreting codes; Code of Professional Conduct fusing between police and MoJ (and perhaps the

Crown Commercial Service and possibly the Home Office), as well as the code which was developed for NRPSI since the launch of the regulator in 1994

Professional Conduct Committee and Disciplinary Committee protocols to be explored ensuring complaints are transparently and fairly handled to protect the public and also protect the practitioner

Quality Assurance protocols to be explored

PI4J would like to raise a point of clarification with the following paragraph in the proposed MoJ framework. Current paragraph reads:

Whilst a good indicator of professional intent, membership of one of the professional membership or regulatory organisations (CIOL, ITI, APCI or NRPSI) is not sufficient on its own to meet the criteria for MoJ professional level registration. Member qualifications and experience still require checking against the relevant criteria.

In the interest of clarity, we believe the proposed framework would be best served by ensuring as accurate a picture as possible of stakeholder organisations, ensuring *all* the current associations and societies focused on public service interpreting are included in the wording of this paragraph.

In proposing the above amendment to this paragraph, we also suggest amplifying the roles of the various organisations in the spoken language public service interpreting ecosystem, recognising their varying and distinctly diverse natures, as defined by PARN (Professional Associations Research Network):

- I. The voluntary national register and regulator of spoken language interpreters (NRPSI)
- II. Associations and societies acting on behalf of their members; the Association of Police and Court Interpreters (APCI), the Society of Official Metropolitan Interpreters (SOMI) and the Association of Interpreters and Translators (AIT)
- III. Learned institutes with the best interests of the linguist, translating and interpreting professions; the Chartered Institute of Linguists (CIOL) and the Institute of Translation and Interpreting (ITI)

Therefore, at this stage, PI4J would like to ask the MoJ to state:

- i. Whilst a good indicator of professional intent, being a registrant of the regulator (NRPSI), being a member of one of the relevant associations (APCI, SOMI and*

AIT) or membership of one of the professional learned institutes (CIOL and ITI),) is not sufficient on its own to meet the criteria for MoJ professional level registration. Registrant and member qualifications and experience still require checking against the relevant criteria.

With regard to BSL it is important to note that although this proposed framework is a welcome advance for spoken language interpreting in MoJ settings, a Level 3 qualification is far below the standard currently expected of BSL Interpreters where the minimum standard of **any** interpretation service is currently a Level 6 language qualification plus attendance on a Level 6 interpreter training programme (the regulator's {NRCPD} Trainee Interpreter).

It is anticipated that over time, and in a planned and resourced manner, all spoken language interpreters working in legal settings will have the same status, recognition and working conditions in line with the MOJ's current BSL requirements.

It is hoped that the accepted standards of the regulator's (NRCPD) Registered Trainee Interpreters (a Level 6 language qualification plus attendance on a Level 6 interpreter training programme) will not be compromised by the new proposed spoken language framework and that this will continue to be regarded as the baseline of a BSL Interpreter.

Promote and prioritise the use of qualified and experienced professionals

Having defined appropriate qualification and experience requirements for the level and difficulty of diverse assignments focusing on the Level 6 vocational qualification default with evidenced experience, ensure independently regulated and registered qualified professionals are prioritised; promote a sustainable supply chain of skilled professionals and support for the professional regulators and registers - NRPSI, the newly launched NRPST and NRCPD

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