

29th January 2025: Draft Letter for Registrants to send to their own Members of Parliament.

This template letter is from those taking action to withdraw services from HMCTS, who request you to download and send to your MP.

You can download and use the template letter/email on the next page to ask your MP to challenge the Ministry of Justice's decision to continue to outsource its language services.

To find the contact details of your MP, visit:

<https://members.parliament.uk/members/Commons>

Please feel free to amend and personalise the letter.

You may wish to add some relevant personal experiences.

We would also be delighted to hear about any response you receive to your letter.

If you are happy to share this, please email a copy to mike@nrpsi.org.uk

Should you need further information or specific evidence to support your communications with your MP, NRPSI is committed to helping with any such enquiries.

Please contact us using the same email address provided above

Dear

As your constituent, I would be obliged if you could write to the Secretary of State for Justice, Shabana Mahmood, and convey to her my concerns about the current MOJ contract for the provision of interpreters to HMCTS, the Probation Service and Cafcass held by the Big Word Interpreting Services Ltd and the contract's detrimental impact on the backlog of court cases, the administration of justice and the taxpayer. My concerns arise from the evidence submitted to the House of Lords Public Services Committee Inquiry into Interpreting and Translation Services in courts launched on the 9th August 2024 by professional court users. The HOL Committee chaired by Baroness Morris of Yardley asked for written evidence from stakeholders. The deadline for submissions was Monday 30 September 2024.

Submissions to the HOL Inquiry from the associations representing professional court users including the Bar Council, the Law Society and the Magistrates' Association suggest that non-availability of interpreters for hearings and trials leads to thousands of cases having to be adjourned, often multiple times, as well as trials being aborted. It is clear from these professional users' submissions that the current MOJ Contractor, the Big Word, is habitually failing to source interpreters for hearings and the adjourned hearings and aborted trials are aggravating the backlog crisis referred to by Sir Brian Leveson, the newly appointed Chair of the Independent Review into the Criminal Courts. This is an extremely serious matter that needs to be addressed urgently. The backlog of court cases is unacceptably high in any event and the failing contract is making the already unsustainable situation even worse.

In her letter to the SoS for Justice, Baroness Morris refers to 6272 cases where the Big Word failed to provide an interpreter in 2023. These cases had to be adjourned. Moreover, 618 trials had to be aborted in the same year because the Big Word failed to provide an interpreter. The cost of an aborted trial was estimated to be £10 000 per day. A member of the Magistrates' Association complained of a case having to be adjourned three times because no interpreter was provided.

The comments from the Chair of the HOL Inquiry below support my concerns and show just how badly the MOJ department and its officials have managed the contract.

"... we can honestly say that from everyone who's been using the translation services, whether they've been interpreters and translators, whether they've been people who work in the courts, whether they've been barristers or solicitors, no one thinks it works well. Not one, no one."

The Big Word is also supplying unqualified interpreters to the MOJ contract and this is preventing legal professionals from doing their jobs.

The Bar Council states that ***a large number of interpreters lack the ability to interpret to the standard required for court*** and concludes that ***the overall standard is not acceptable and not delivering justice.***

The Law Society submits that ***the interpreting and translation services provided does not meet the needs of defendants, witnesses, prosecutors or legal professionals.***

The MOJ intends to keep the current contract in place until May or even October 2026. We find this is completely unacceptable and against the interest of justice and the public.

The problems complained of by the professional court users are the direct result of the abolishment of Lord Justice Auld's recommendations on the engagement of interpreters in

criminal proceedings included in his 2001 Review of the Criminal Courts. The Ministry of Justice abolished Lord Justice Auld's recommendations when it outsourced the contract.

Please find attached links to the House of Lords ongoing inquiry and links to the written submissions from the Bar Council, the Law Society and the Magistrates' Association for ease of reference.

<https://committees.parliament.uk/work/8493/interpreting-and-translation-services-in-the-courts/publications/>

<https://committees.parliament.uk/writtenevidence/131023/html/>

<https://committees.parliament.uk/writtenevidence/130852/html/>

<https://committees.parliament.uk/writtenevidence/130749/html/>

In their submissions, the professional stakeholders repeatedly refer to a shortage of interpreters. The Ministry of Justice's submissions to the inquiry also contain a reference to a shortage of qualified interpreters. The MOJ's criminal courts statistics show thebigword contract's performance is deteriorating, with the latest figures for 2024 (below) painting a worrying picture. Each unfulfilled request is likely to lead to an adjournment, which aggravates the backlogs in court cases even further.

<https://www.gov.uk/government/collections/criminal-court-statistics>

The number of unfulfilled requests has increased sharply in the last two quarters and is more than double the levels seen in the previous year, increase from 1,676 to 3,722.

As a result of this increase, the overall success rate in Q3 2024 fell to 90% - this has decreased by 6 percentage points on the previous year.

In line with LJ Auld's 2001 recommendations, the Bar Council submits interpreters working within the criminal justice system should be registered on the National Register of Public Service Interpreters (NRPSI) and have a Level 6 interpreting qualification. The Big Word submitted evidence to the House of Lords Inquiry and stated only 50% of their interpreters, approximately 750 interpreters registered with thebigword, have a Level 6 qualification.

Interpreters with Level 6 Ofqual accredited qualifications are available, but not willing to work for thebigword due to low rates of pay and unfavourable working conditions.

The Ministry of Justice informed the House of Lords Public Services Committee that it intended to keep thebigword contract in place until May or even October 2026. The number of adjourned hearings and aborted trials is likely to be significantly higher in the future because more and more qualified interpreters are leaving the profession and are refusing to work for thebigword.

The Minister for Courts and Legal Services, Sarah Sackman, KC, gave oral evidence to the House of Lords Public Services Committee on the 18th December 2024. The House of Lords

committee was justifiably concerned about the current contract's failings and its negative impact on the delivery of justice and the operation of courts.

Given the evidence submitted to the House of Lords Public Services Committee by professional court users, it is not in the interest of justice, the taxpayer and an efficient operation of courts and tribunals that the current failing contract should stay in place till May or even October 2026.

I look forward to hearing back from the Ministry of Justice.

Yours sincerely,