



Briefing note for MPs

Widespread problems of MoJ language services contract

Westminster Hall debate, 20th June 2013, 1.30pm

In a bid to save costs, a new system for outsourcing language services (called the Framework Agreement, valued at £300 million over 5 years) was put in place by the Ministry of Justice. At the same time it awarded a contract in August 2011 to Applied Language Solutions (now Capita Translation and Interpreting) to supply Her Majesty's Courts and Tribunals Service. After some delay the contract began on 30/1/12.

The problems

1. **Since day 1** of the outsourced contract to Capita, valued at £42 million per annum, there have been problems with the supply and quality of interpreters. 500 days later, the debacle continues and the contract terms are continually breached. Meanwhile, justice and the right to a fair trial are being denied to many people and tax payers' money is being wasted. Judges, Barristers and many branches of the legal profession are angry and frustrated at the wasted court time and costs involved. In May 2013 alone we have received 30 reports of Capita TI failings. See our Dossier.
2. **Parliamentary inquiries to date.** Despite the recommendations made by the following parliamentary inquiries, the Ministry of Justice has repeatedly failed to respond adequately:
 - a. [National Audit Office report](#), 10 September 2012
 - b. [Public Accounts Committee report](#), 6 December 2012
 - c. [Justice Select Committee Report](#), 6 February 2013
3. **[The Government Response](#)** to the Justice Select Committee report (published 25 April 2013) is **weak and makes unsubstantiated claims** when it states its measures "**will attract and retain interpreters**". This is not supported by Professional Interpreters for Justice (PI4J) which represents over 2,200 professionally qualified and experienced justice interpreters. 85% have said they will not work for Capita

because of the lowering of professional standards.

4. The **proposed changes** to terms & conditions (designed to attract higher calibre interpreters) were **not supported by PI4J or by the interpreters working for Capita and with the Tribunals service who also attended meetings** – contrary to what the Justice Minister has stated in the Government Response.
5. **PI4J attended a meeting with the MoJ on 12/3/13** where the proposed changes to terms were presented. The official note of the meeting states: *“PI4J did not agree that this would attract sufficient additional interpreters of the calibre required to the Framework Agreement and retained the view that the Framework Agreement itself is flawed and costly to the justice sector.”* **Our advice was ignored** and we object to the Government’s statement that this package of improved terms was in any way sanctioned by us when it was not.

We understand that the changes to terms, which were introduced from 1st May, have not been well received and that large numbers of workers are abandoning Capita TI. The consequences for Justice will be significant.

6. **No genuine engagement.** We also object to the Justice Minister’s communications regarding her meetings with us and the inference she is engaging with us in genuine consultation when this is not the case. The substance of our recommendations keeps on being ignored – that we believe it is possible to develop a model which delivers value for money *and* (importantly) professional high standards of justice sector interpreting. Cambridgeshire, Wales and London are good individual examples to build on.
7. **Cost savings?** The Government Response makes the following statement: “The Framework Agreement has made significant savings in the first year of operation” and yet provides no evidence. What are these claims based on? There is no baseline. We say such figures are highly misleading.
 - a. **What about the cost of underperformance?** The Government does not address the issue of underperformance. Any savings which the MoJ claims (£15 million’ has been stated) do not include the cost of the court delays, case adjournments, repeated remands in custody for offenders and all the other related expenses of underperformance. We have a dossier with details of hundreds of failings that we know of and new incidents emerge daily.

- b. **6,417 complaints by courts** about poor service were recorded by Capita in 2012 and reported in the [MoJ Statistical Bulletin 3](#) (published 2 March 2013).
 - c. **608 Magistrates Court trials and 34 Crown Court trials** were recorded as ineffective in 2012 as a result of interpreters not being available, representing a 100% increase on the previous year for the latter. [Court Statistics Quarterly](#)
 - d. We estimate that **48% or more of the courts' requirements are fulfilled outside** of the contract with Capita – so there is also the cost of the 'off contract' interpreter bookings. These are being made by court clerks who book interpreters directly or use agencies other than Capita because of their poor service.
 - e. The package of proposals outlined in the Government's response and implemented by Capita from 1/5/13 is being paid by the MoJ and not Capita at an **additional cost to the contract price**.
8. **Performance figures are misleading.** The Justice Committee's Report rightly stated that "performance figures clearly do not reflect the company's fulfilment against 100% of the requirements of HMCTS and they should be altered." The MoJ chose not to implement this recommendation in the full year statistics it published in Bulletin 3 (28/3/13) even though it states it has established a method to do so.
9. **Contingency arrangements have been in place since day 1** (30/1/12) and after 500 days, they are still in place. Our own analysis of the [MoJ Statistical Bulletin 3](#) on the first 12 months of the contract estimates that Capita delivered just 52% of HMCTS's requirement in the first year against a target of 98%.

Our estimates of HMCTS's full requirements are based on figures stated by Lord McNally, Minister of State at the Ministry of Justice ([House of Lords on 9 July 2012](#)) who, when answering questions about the disruption and delay to criminal trials 'as a result of the serious inadequacies', said "we are talking about a system with some 800 requests a day for such interpretation."

Ends

Professional Interpreters for Justice (PI4J)

PI4J is an umbrella group representing over 2,200 National Register of Public Service Interpreters (NRPSI) registered and qualified interpreters covering 135 languages. Our aim is to work in partnership with the MoJ to safeguard the quality of interpreting services for the Criminal Justice System.

A brief history

Up until 30/01/12 the services of interpreters for the criminal justice system to support defendants and witnesses who do not speak English were sourced through the National Register of Public Service Interpreters (NRPSI), a non-statutory regulator for the profession which continues today to be a source of qualified and experienced interpreters whose standards are assured through a Code of Conduct.

The NRPSI's value was endorsed by the JSC in the conclusions and recommendations of its report (no.4) saying "there do not appear to have been any fundamental problems with the quality of services, where they were properly sourced i.e. through arrangements that were underpinned by the National Register of Public Service Interpreters."

PI4J is supported by:

- Association of Police and Court Interpreters (APCI)
- Chartered Institute of Linguists (CIOL)
- Institute of Translation and Interpreting (ITI)
- National Register of Public Service Interpreters Ltd (NRPSI)
- National Union of Professional Interpreters and Translators (part of Unite the Union)
- Professional Interpreters Alliance (PIA)
- Scottish Interpreters and Translators Association (SITA)
- Society of Official Metropolitan Interpreters UK Ltd (SOMI)
- Society for Public Service Interpreting (SPSI)
- Wales Interpreter and Translation Service (WITS)

FOR FURTHER INFORMATION

See www.linguistlounge.org for commentary and updates.

Follow PI4J on Twitter at: [@United4Justice](https://twitter.com/United4Justice)

For PI4J reports (including our analysis of the MoJ Statistical Bulletin 3) please contact: Penny Arbuthnot or Aisleen Marley, Involvis Ltd

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