

Quality and the need for regulation

The fifth interpreters' survey

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Executive Summary

Overview

This survey of 1,172 interpreters was commissioned by umbrella group Professional Interpreters for Justice (PI4J) and carried out by Involvis between 10th and 20th October 2013.

8 out of 10 interpreters do not want to work for Capita TI

88% (779 interpreters) say they are not tempted to work for Capita TI on the current terms offered and 74% have not registered with the private contractor. They have rejected the Ministry of Justice's Framework Agreement (FWA) which has been in existence for 22 months. Interpreters' rejection of the current system means that thousands of court cases will continue to be disrupted and justice not served. The MoJ's Statistics Bulletin (Quarterly Update to June 2013) has published details of 9,800 complaints since the FWA began.

71% of those who took part are on the National Register of Public Service Interpreters (NRPSI). This is a voluntary, independent register for professional interpreters which has a minimum quality standard to register and which enforces a Code of Conduct. Since 30th January 2012 NRPSI registration has not been recognised as the prime criterion for working in the justice system but rather as one of a number of qualifying routes.

However no other independent regulatory body is in place to monitor the performance of the private contractor Capita TI under the Framework Agreement or assess the quality of interpreting being delivered to courts and police forces.

91% of interpreters who took part in this survey say independent regulation is needed and 64% say quality and professionalism in court interpreting has been lost altogether.

72% say they have seen and heard other linguists/interpreters who are not of sufficient standard. Of these, 91% have seen poor language skills and mistakes being made.

"Not interpreting what was said", "too friendly with clients", "advising defendant on what to say", "poor understanding of English", "No interpreting at all, just sitting and listening" were some of the comments. One said they saw "an interpreter who fell asleep" and another came into court with her shopping and her mobile phone on, which then went off during the hearing.

66% are working for sub-contract agencies

Although 74% have not registered with Capita TI, 62% say they are being booked by other agencies, showing that Capita TI is sub-contracting a high proportion of its jobs. The quantity of sub-contracted work under the Framework Agreement is not reflected in the MoJ's Statistics Bulletin which reports on the language services contract.

Framework Agreement criteria are being breached by Capita and by sub-contractors

Of the interpreters who say they are working for other agencies (and not Capita TI) 64% say they don't know what 'tier' they are on and 53% said they don't know whether jobs are booked according to their tier. 13% said their qualifications had not been checked and 19% said their vetting had not been checked.

77% of Capita TI interpreters say their experience is negative

26% of interpreters who took part say they are working for Capita TI and 77% of these say their experience of working for Capita TI is negative. A high proportion (68%) say they are not being treated fairly or respectfully by Capita and only 17% say they have been offered training. Typical comments about Capita were "poor experience led me to avoid them at all cost" or "low rate, unprofessional staff and no understanding of the nature of interpreters' work and role", or "staff are rude, no structure at distributing jobs etc."

Capita TI's reputation with court staff is also poor. 29% of Capita TI interpreters said they were treated unfairly or very unfairly by court staff, compared to just 7% of the interpreters who do not work for the private contractor but are being booked directly for jobs by courts.

A consistent trend

The high response rate to this survey is consistent with that of four previous surveys carried out by Involvis, the findings from which were submitted as evidence to support the parliamentary inquiries held by the National Audit Office, Public Accounts Committee and Justice Select Committee. These surveys have consistently shown that qualified and experienced freelance interpreters who are on the NRPSI are against the Framework Agreement (FWA). They have not registered with Capita TI and do not intend to do so.

Their feelings are ingrained and show the Ministry of Justice that they have been misguided in believing interpreters can be persuaded to work under the FWA. Interpreters want changes to be made so that a profession which is so vital to the justice system can once again feel respected for the contribution it makes to ensuring justice and the right to a fair trial are maintained in UK courts.

About this survey

This survey was commissioned by umbrella group Professional Interpreters for Justice (PI4J) and carried out by Involvis. The survey questionnaire was completed online between 10th and 20th October 2013 by a total of 1,172 public service interpreters.

Professional Interpreters for Justice has ten member organisations representing over 2,200 NRPSI registered and qualified interpreters in 135 languages. Its aim is to work in partnership with the Ministry of Justice to safeguard the quality of interpreting services for the Criminal Justice System.

The member organisations and contact emails for each are as follows:

Association of Police and Court Interpreters (APCI) - chairman@apciinterpreters.org.uk

Chartered Institute of Linguists (CIoL) - keithmoffittuk@iol.org.uk

Institute of Translation and Interpreting (ITI) - chiefexec@iti.org.uk

National Register of Public Service Interpreters (NRPSI) - chairman@nrpsi.co.uk

National Union of Professional Interpreters and Translators, part of Unite the Union (NUPIT)
- nupit@unitetheunion.org

Professional Interpreters Alliance (PIA) - info@profintal.org.uk

Scottish Interpreters and Translators Association (SITA) - messageSITA@gmail.com

Society of Official Metropolitan Interpreters UK Ltd (SOMI) - board@somiukltd.com

Society for Public Service Interpreting (SPSI) - chairman@spsi.org.uk

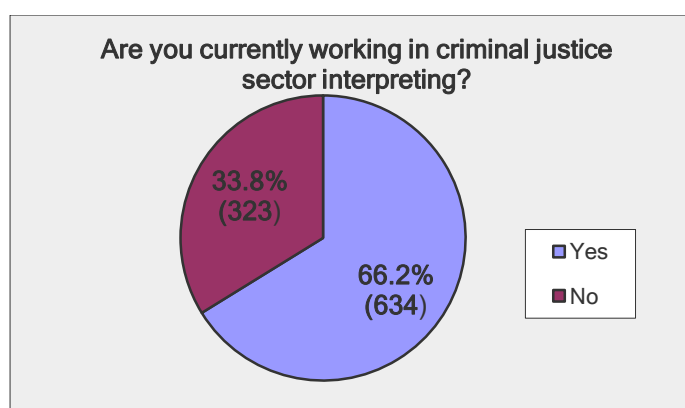
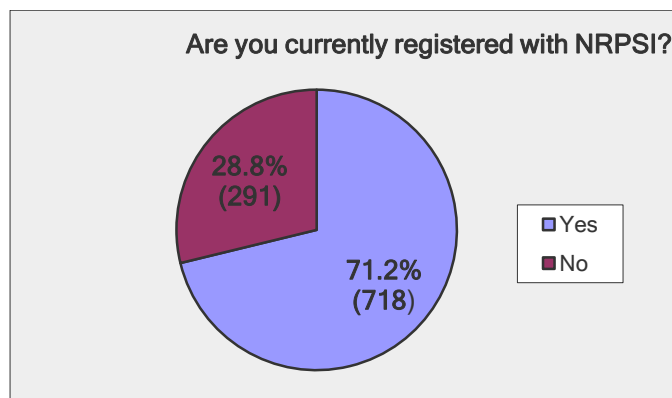
Wales Interpreter and Translation Service (WITS) - wits@gwent.pnn.police.uk

1. Respondents

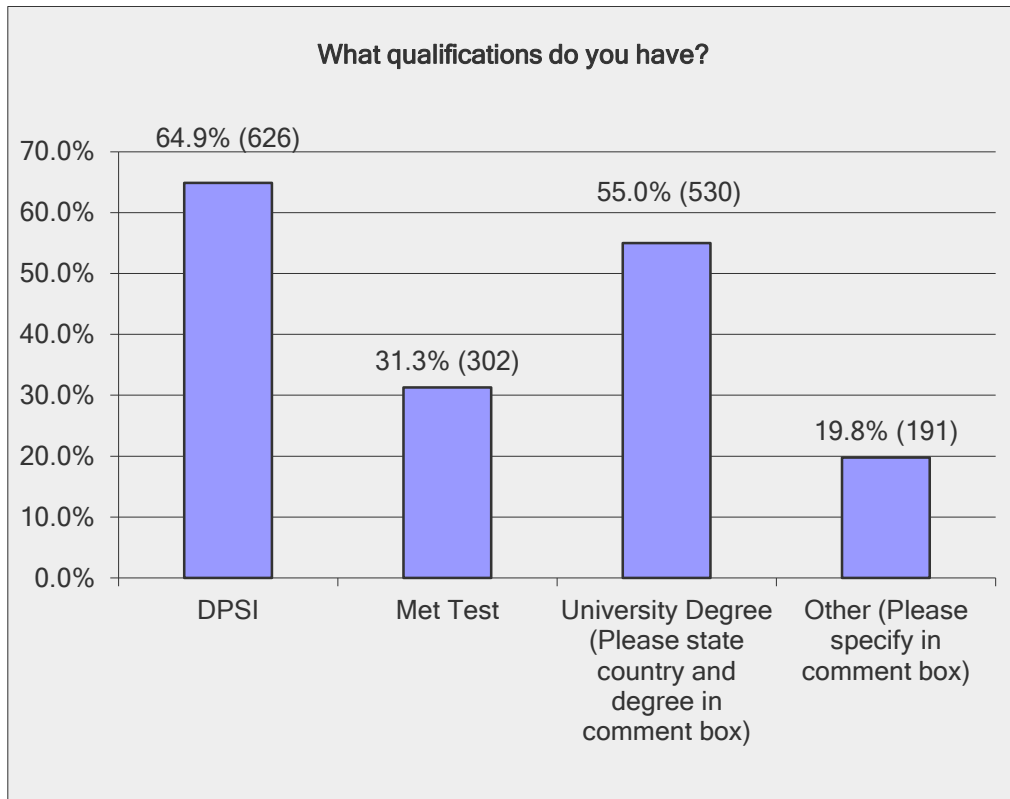
1.1 Breakdown of Respondents

A total of 1,172 interpreters completed the online survey. Of these, 66.2% are currently working in the criminal justice sector and 71% are on the National Register of Public Service Interpreters (NRPSI) which provides and maintains the independent voluntary register for the interpreting profession. Since 30th January 2012 NRPSI registration has not been recognised as the prime criterion for working in the justice system but rather as one of a number of qualifying routes.

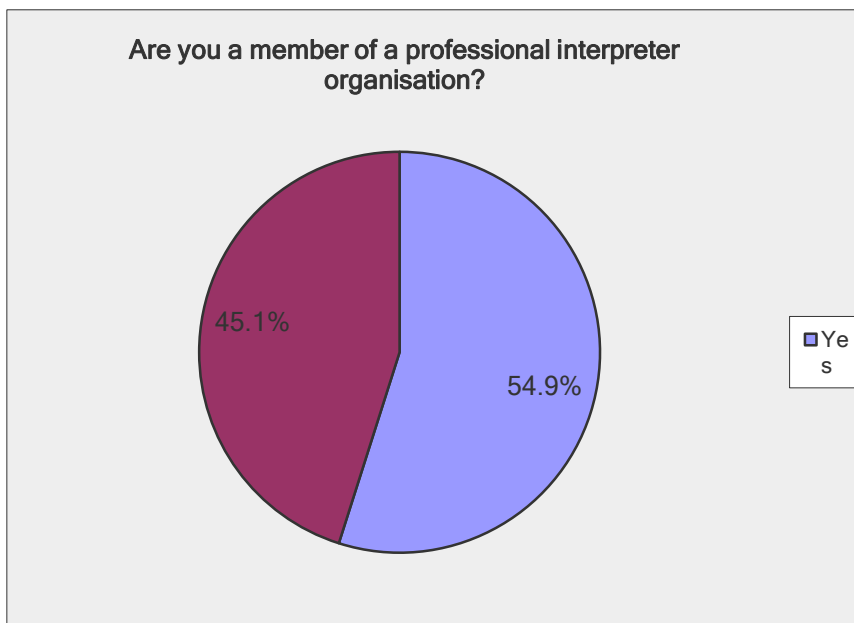
Of those who said they are not on the NRPSI, 22% (62) said they had withdrawn their registration.



The majority (65%) of those who took part are qualified with the Diploma in Public Service Interpreting (DPSI) and 55% have a University Degree.



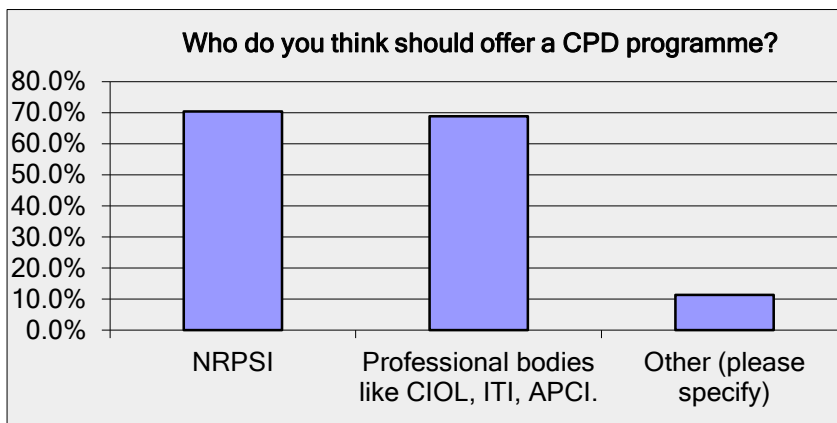
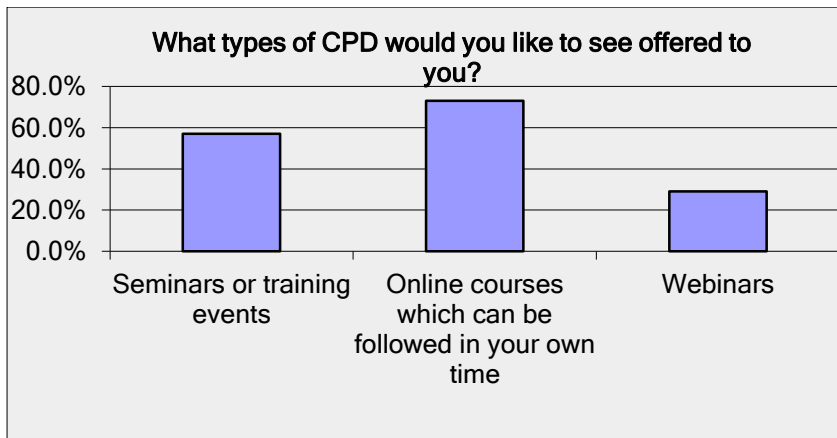
55% (536) said they are members of a professional interpreter organisation.



1.2 Continuous Professional Development

67% said they currently undertake some personal development to maintain and develop their skills.

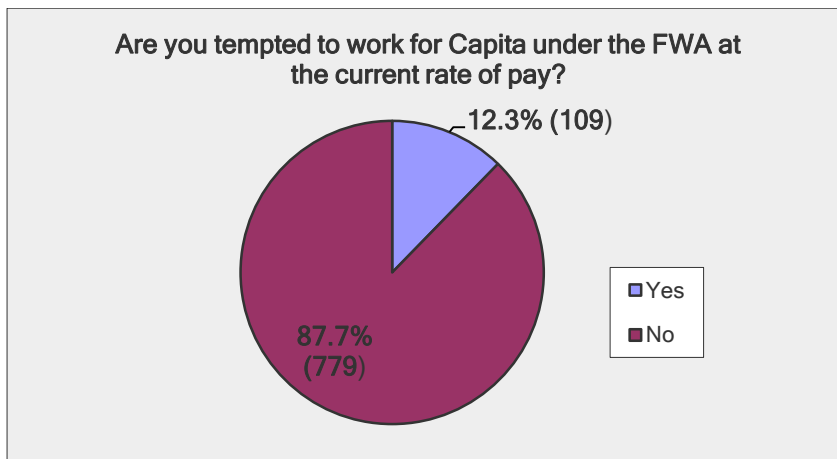
When asked 'who do you think should offer a programme of Continuous Professional Development?', most thought this should be either NRPSI or professional interpreter bodies like the Chartered Institute of Linguists, Institute of Translation and Interpreting and Association of Police and Court Interpreting.



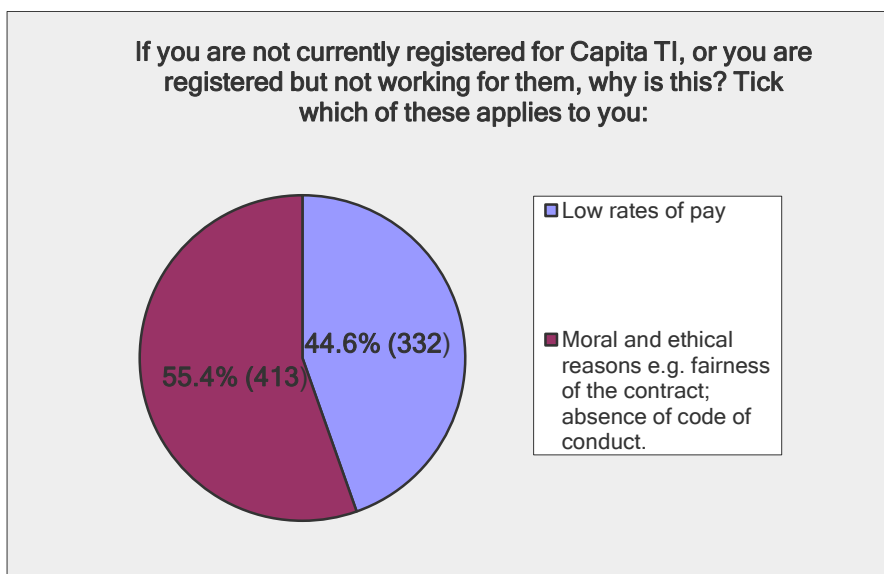
2. Reasons for and against FWA and Capita TI

2.1 Why 88% say they are not tempted to work for Capita TI

88% (779 interpreters) say they are not tempted to work for Capita TI on the current contract terms. This includes some who are registered but not accepting jobs.



- 55% stated this was for moral and ethical reasons (fairness of contract, absence of a code of conduct)
- 45% stated it was because of the low rates of pay



881 interpreters answered the question “If the National Agreement rates (the previous rates of pay) were reintroduced across the board, would you consider working for Capita, other agencies or HMCTS directly? “

The replies were as follows, with some indicating they would consider more than 1 option:

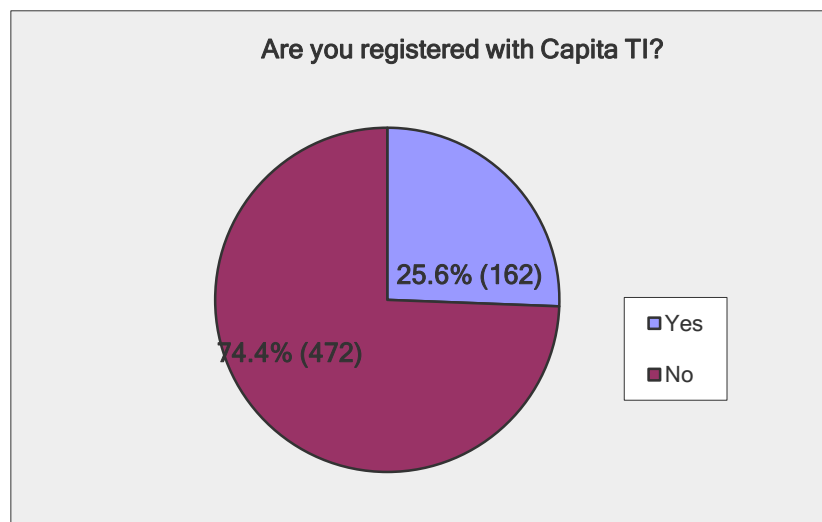
- 37% said they would consider working for Capita if previous rates were re-introduced
- 62% said they would consider working for another agency if previous rates were re-introduced
- 89% said they would only consider working for HMCTS directly

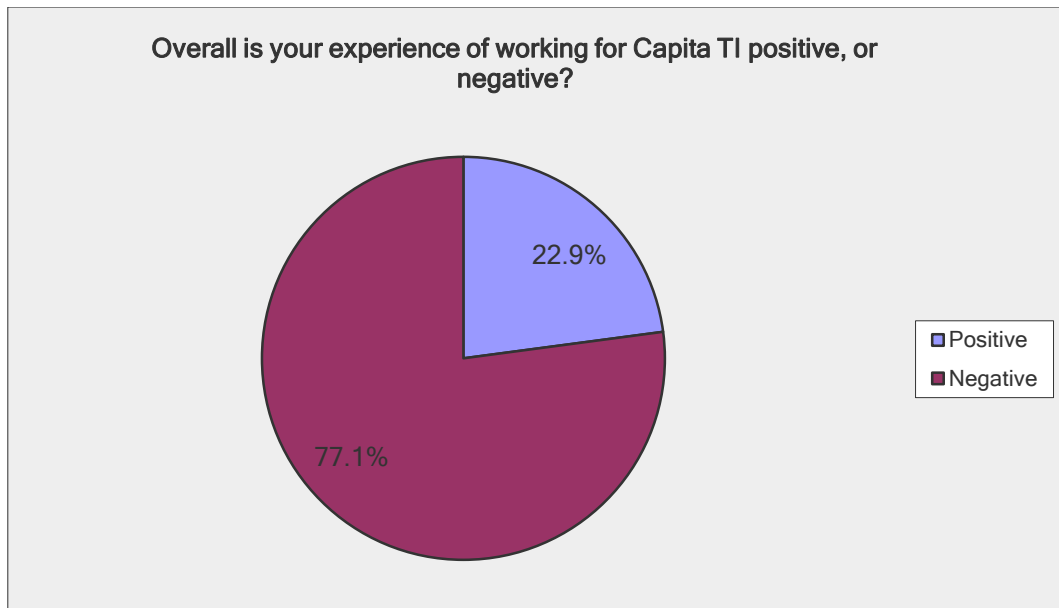
Interpreters say they used to be proud of their role in the justice sector but the reputation of their profession has been destroyed.

2.2 Experiences of working for Capita TI

This section of the report addresses the experiences of the Capita TI registered interpreters. 26% (162) say they are working for Capita TI and a high proportion of these (68%) say they are not being treated fairly or respectfully.

77% say their experience of working for Capita TI is negative.





2.3 Quality management by Capita TI

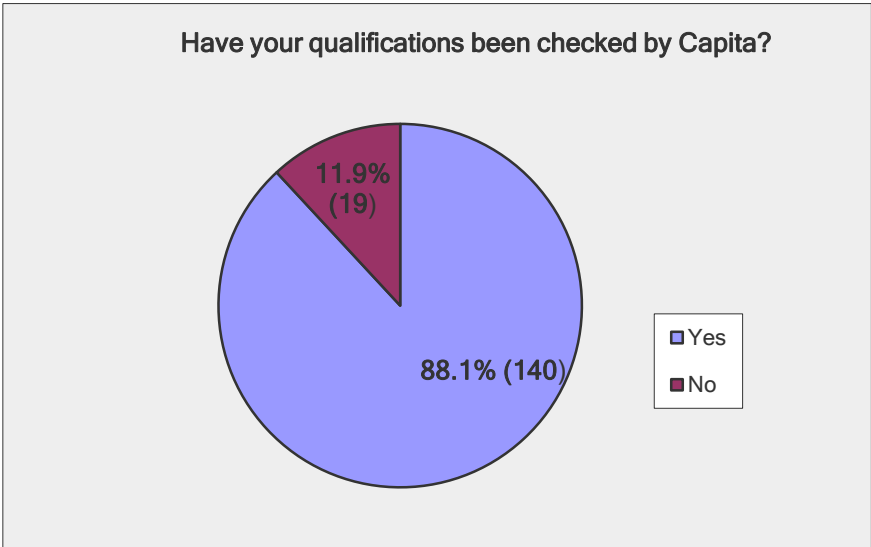
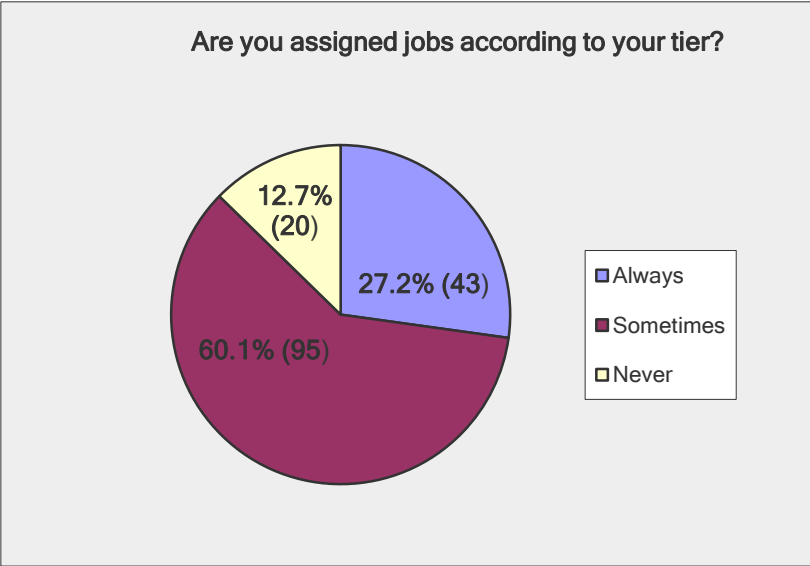
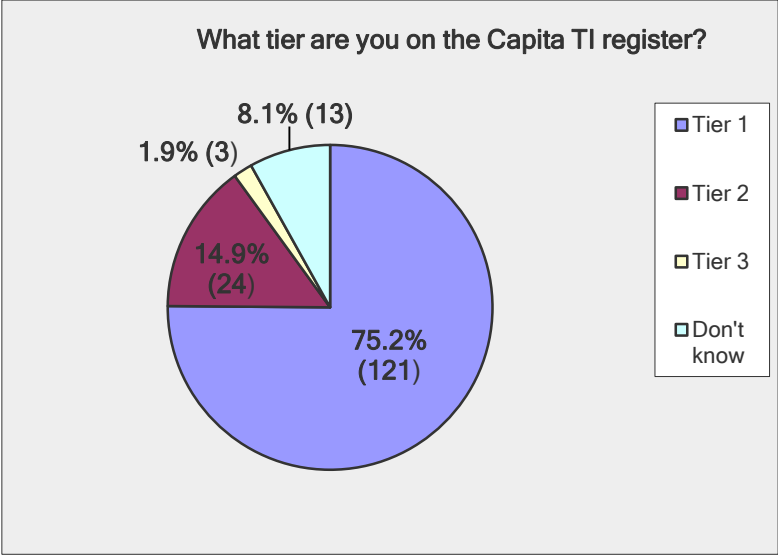
Typical comments about Capita were “poor experience led me to avoid them at all cost” or “low rate, unprofessional staff and no understanding of the nature of interpreters’ work.

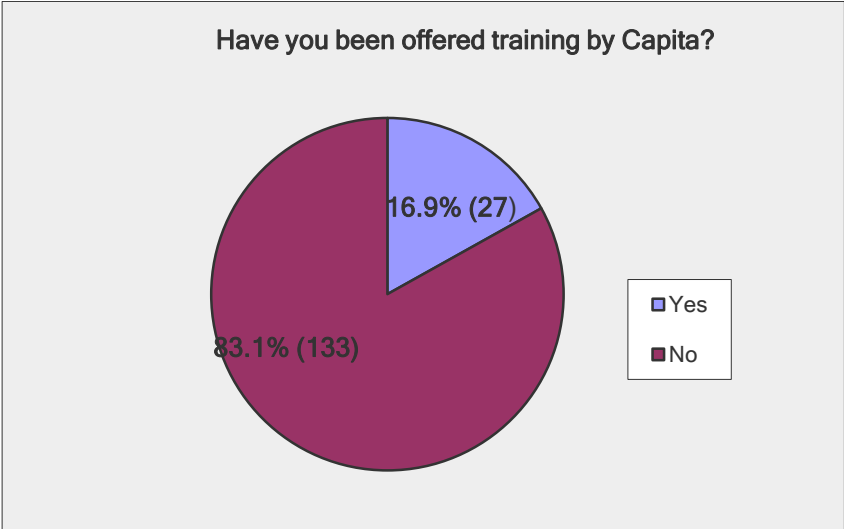
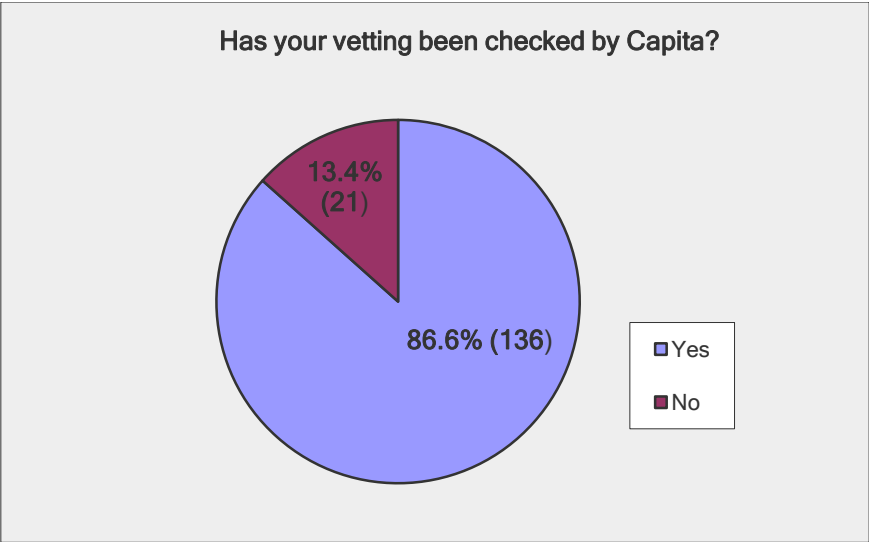
The ‘tier’ system of grading interpreters according to the levels of their qualifications is a central feature of the Framework Agreement.

However only 27% say they are always assigned jobs according to their tier. 60% say ‘sometimes’ and 12.7% ‘never’.

12% say their qualifications have not been checked and 13% say their vetting has not been checked.

Only 17% have been offered training.

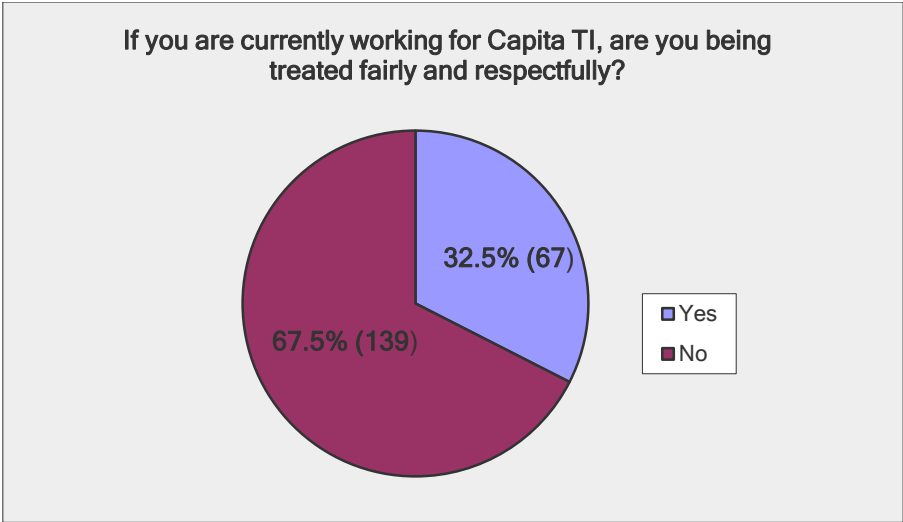




2.4 Reputation of the contractor

The reactions of court staff have demoralised interpreters, in particular those interpreters who work for Capita TI. A higher per centage of interpreters booked by the private contractor are receiving 'Unfair' or 'Very Unfair' treatment when they arrive at court, compared to those who are booked directly when Capita is unable to supply.

29% of Capita TI interpreters say they are treated unfairly or very unfairly by court staff, compared to just 7% of the interpreters booked directly.

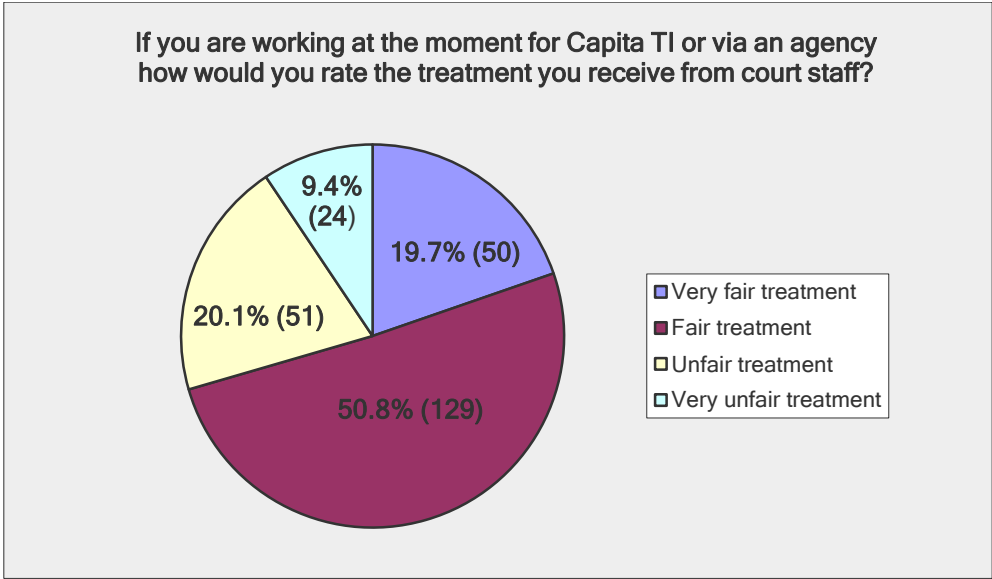


Treatment by court staff

Those interpreters who say they are working for Capita TI were asked about the treatment they receive from court staff.

71% say their treatment is 'fair' (51%) or 'very fair' (20%).

29% say their treatment is 'unfair' (20%) or 'very unfair' (9%).

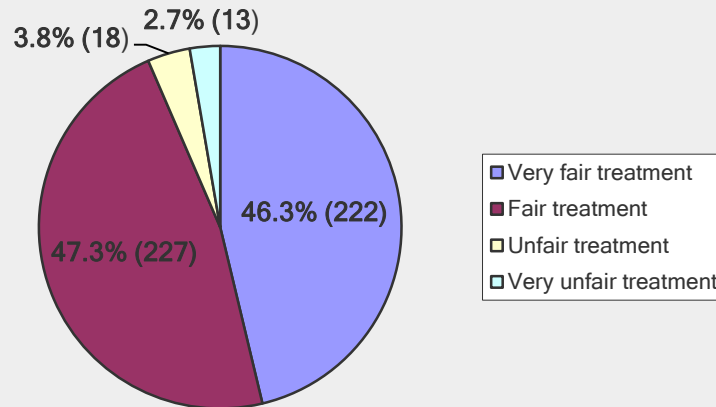


When interpreters who are booked directly by courts (bypassing Capita) were asked the same question, the replies show there is a difference in the kind of reception they receive.

93% say their treatment is 'fair' (47%) or 'very fair' (46%).

7% say their treatment is 'unfair' (3%) or 'very unfair' (4%).

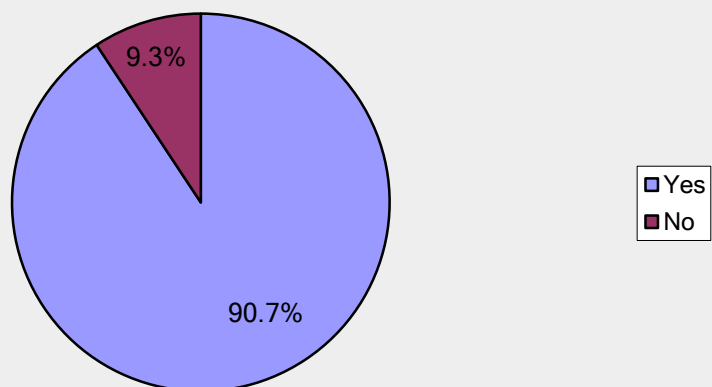
If you are working at the moment but only when booked directly by the courts, how would you rate the treatment you receive from court staff?



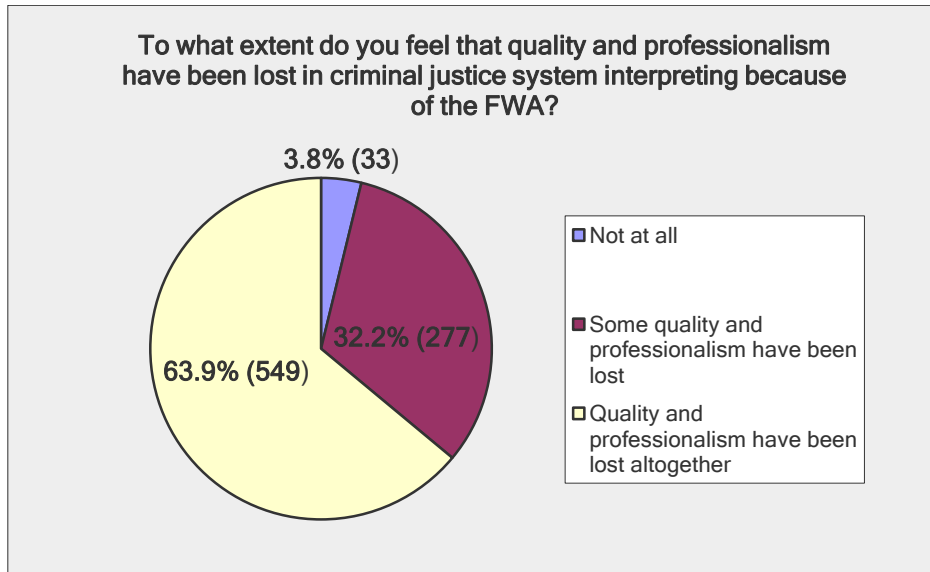
2.5 Loss of quality and the need for regulation

91% of interpreters say the profession needs to be independently regulated.

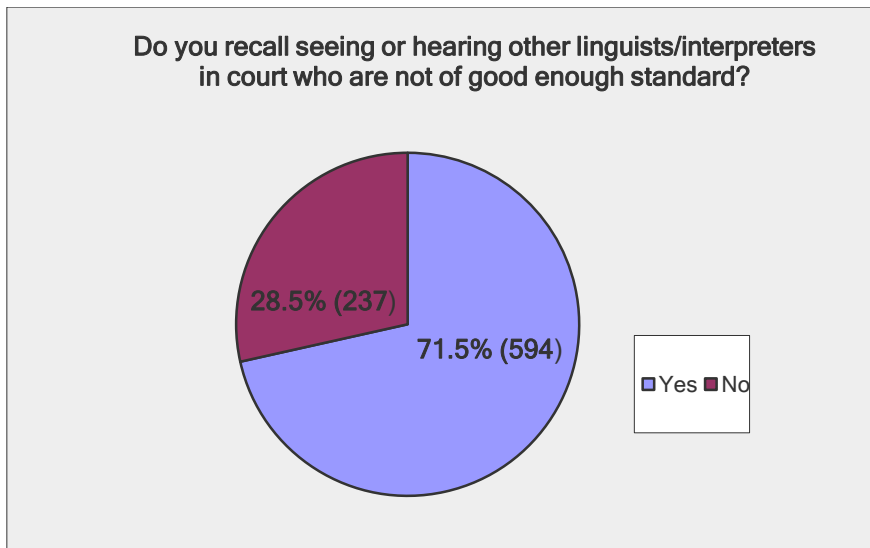
Do you think it is beneficial for the interpreting profession to be regulated by an independent entity?

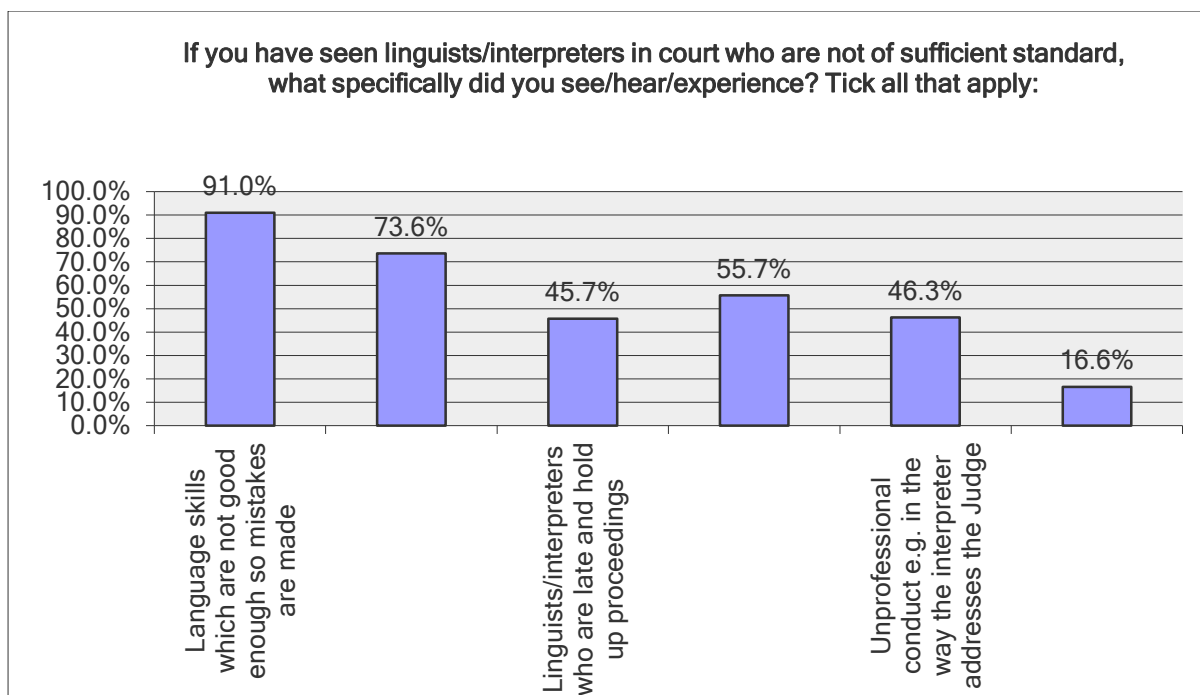


64% say quality and professionalism have been lost.



72% said they had seen interpreters in court whose language or other skills were not of good enough standard. See the chart on the next page for the types of poor quality.





598 interpreters said they had seen other interpreters in court whose quality was sub-standard:

The break-down was as follows:

91% saw language skills which are not good enough so mistakes are made

73.6% saw poor understanding of the court process

45.7% saw linguists/interpreters who are late and hold up proceedings

55.7% saw a standard of dress which is not professional

46.3% saw unprofessional conduct e.g. in the way the interpreter addresses the Judge

16.6% said 'other'.

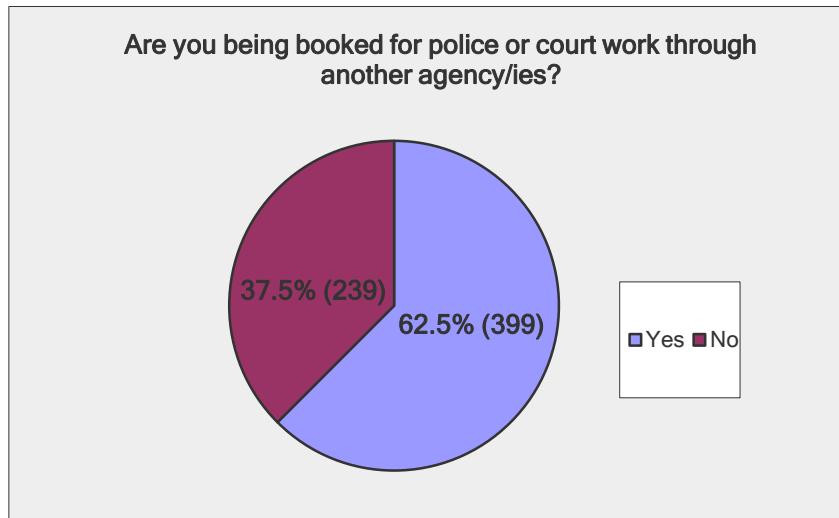
Comments included:

- 'giving advice to defendants'
- 'no interpreting at all, just sitting and listening'
- 'failing to interpret and being questioned by the judge'
- 'Interpreter carrying shopping bags and leaving mobile phone on which went off during hearing;
- 'dealing with witnesses/defendants like friends'
- 'Interpreters advising defendants what to say'.
- 'Either they keep their mouth shut or speak something different and interpret very little.'

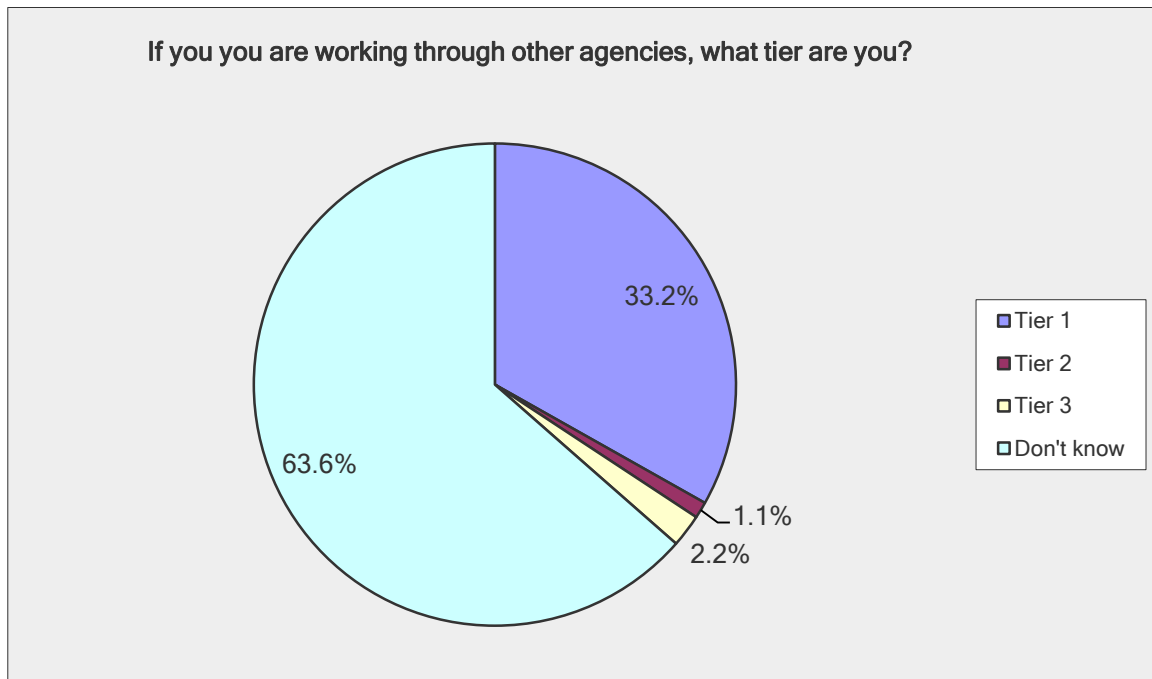
3. Working for other agencies

A high percentage of those who took part (62.5%) say they are working in justice sector interpreting through agencies other than Capita TI.

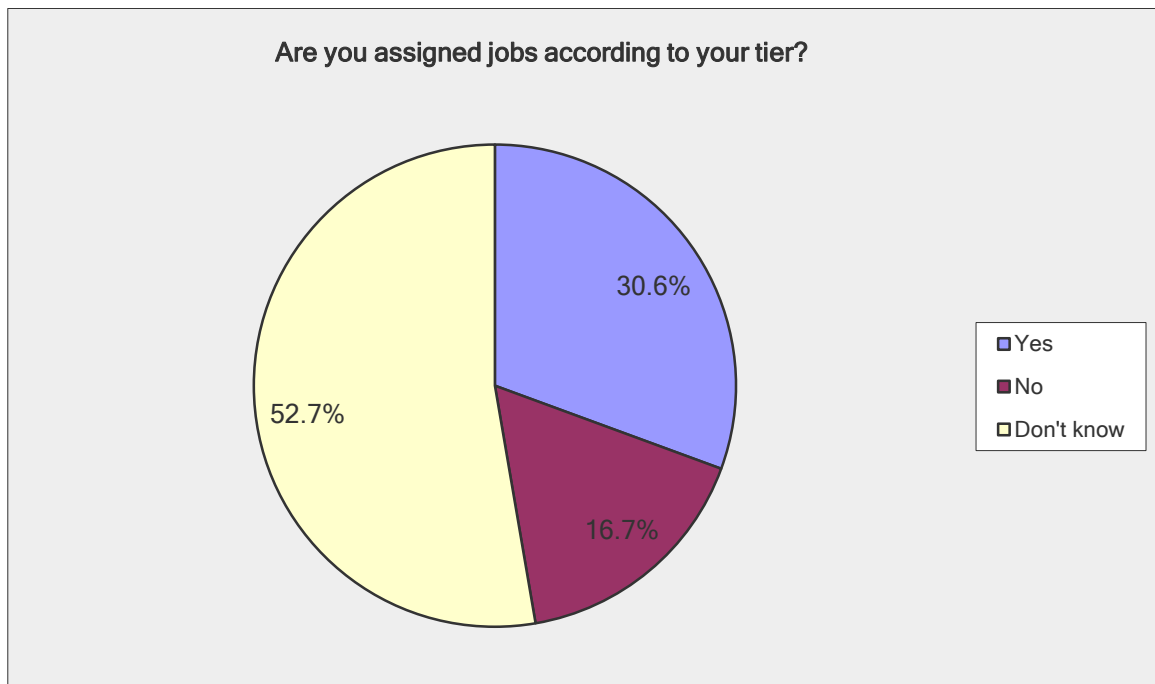
Rather than bookings being made under a single supplier (as the Framework Agreement set out to achieve) the system is fragmented. 399 interpreters say they are being booked for police or court work through other agencies.



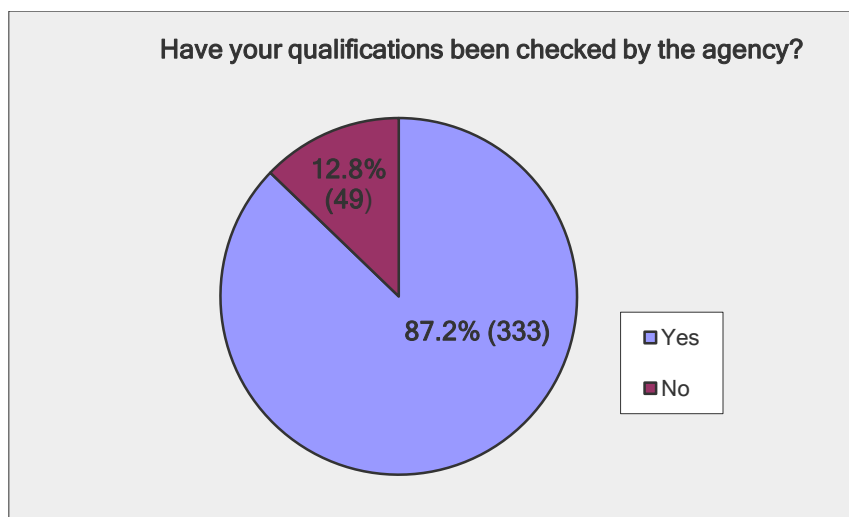
64% of those working through other agencies did not know what tier they are and 53% did not know whether they are assigned jobs according to their tier.

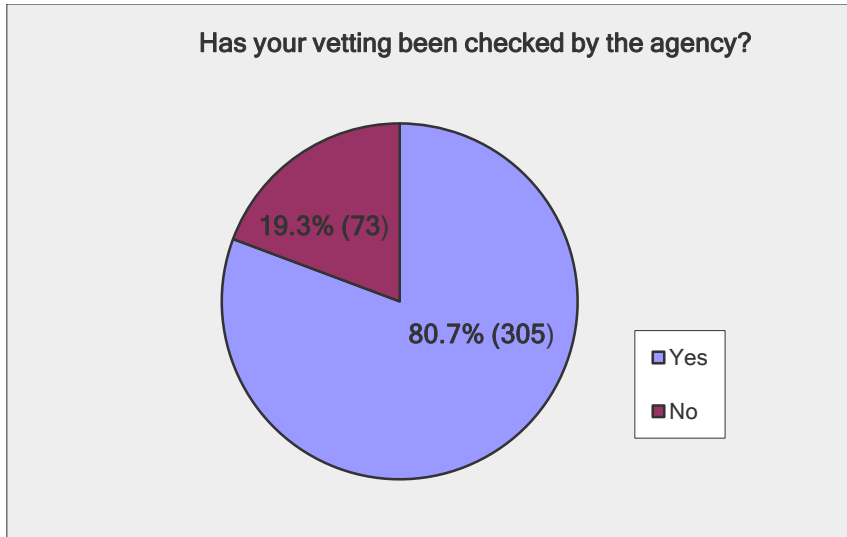


When interpreters working for agencies were asked “Are you assigned jobs according to your tier?” 52% did not know.

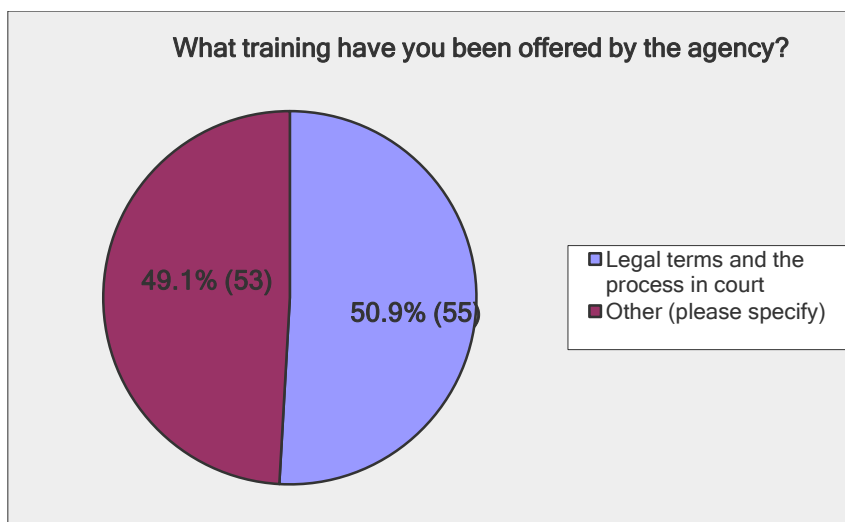
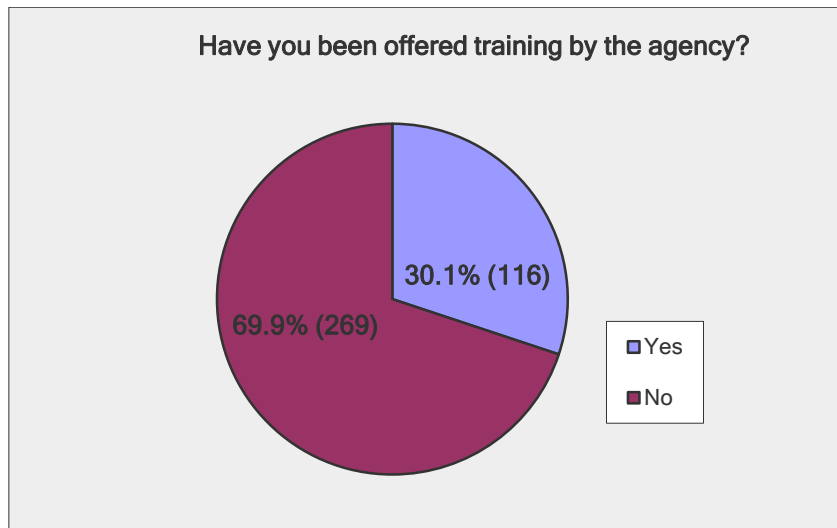


13% have not had their qualifications checked by the agency booking them and 19% have not had their vetting checked.



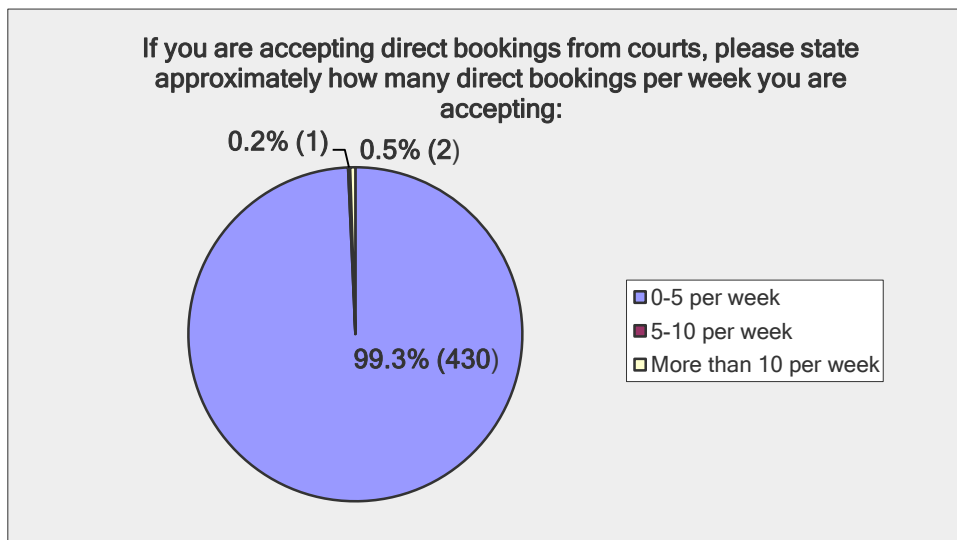
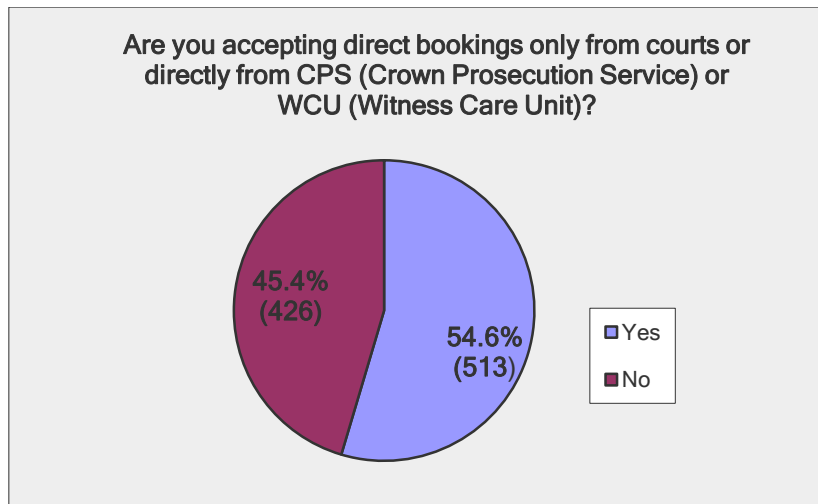


Only 30% said they had been offered training.



4. Working directly for courts and police

55% of interpreters say they are accepting jobs when booked directly by courts (who bypass Capita) or by police. 99% of these are for up to 5 jobs per week.



5. Qualifications and training

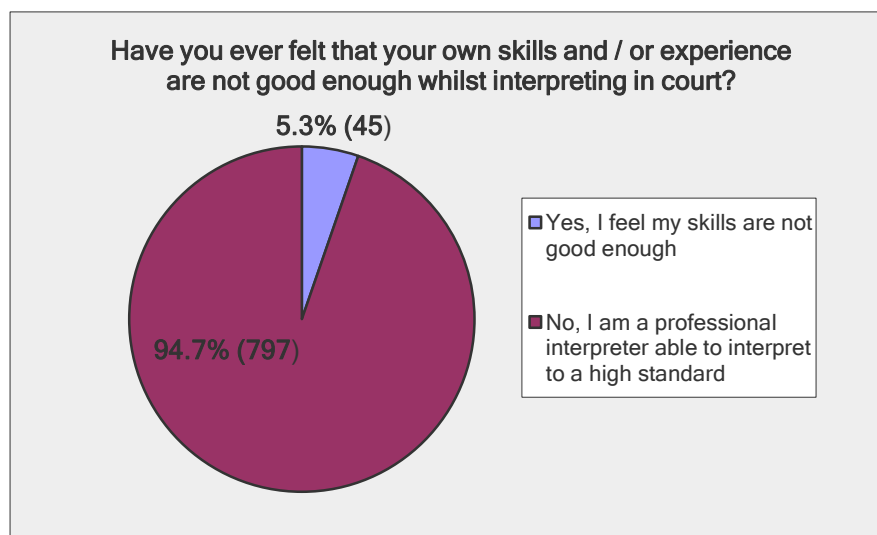
This part of the survey asked interpreters about Continuous Professional Development / 'Continued Personal Development' of their language skills.

95% are confident that their own skills and experience is good enough.

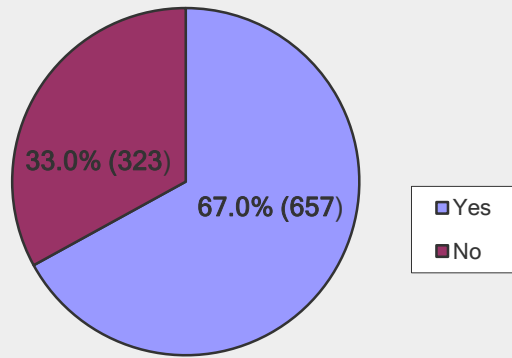
67% say they are doing Continuous Professional Development. Professional reading (both online and traditional media); attendance on courses and membership of professional trade organisations were the most popular methods of training and personal development.

When asked what types of CPD they would like offered to them, 73% said they would like online courses, 57% training events and 29% webinars.

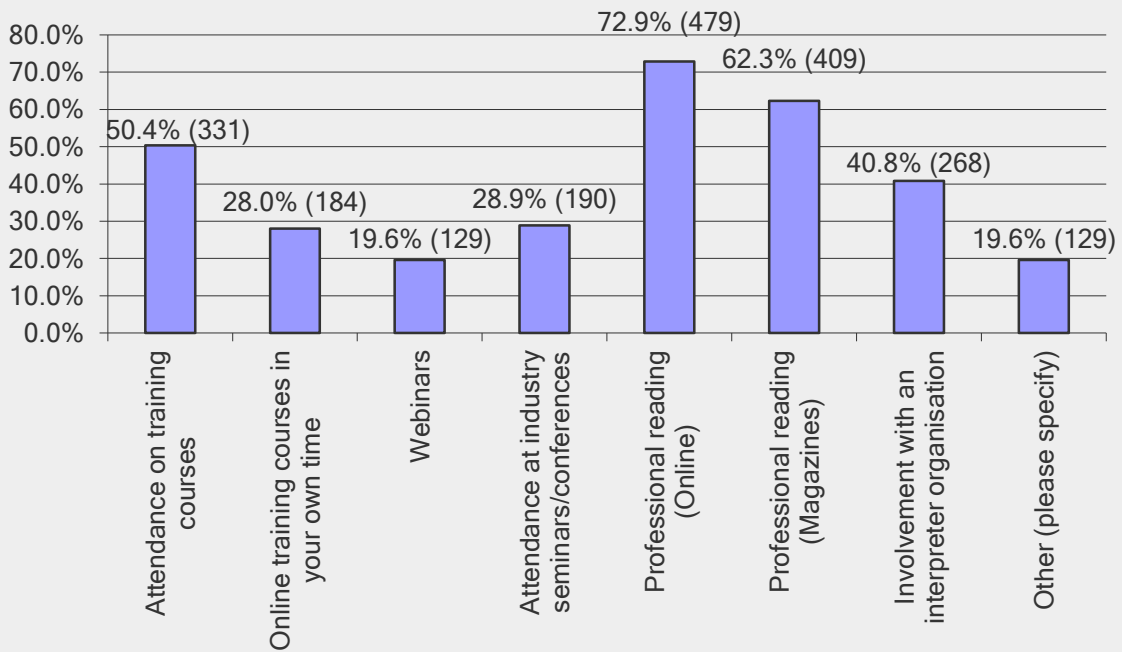
NRPSI, closely followed by the professional interpreter bodies, were thought to be the most suitable organisations to offer and accredit CPD and training programmes.

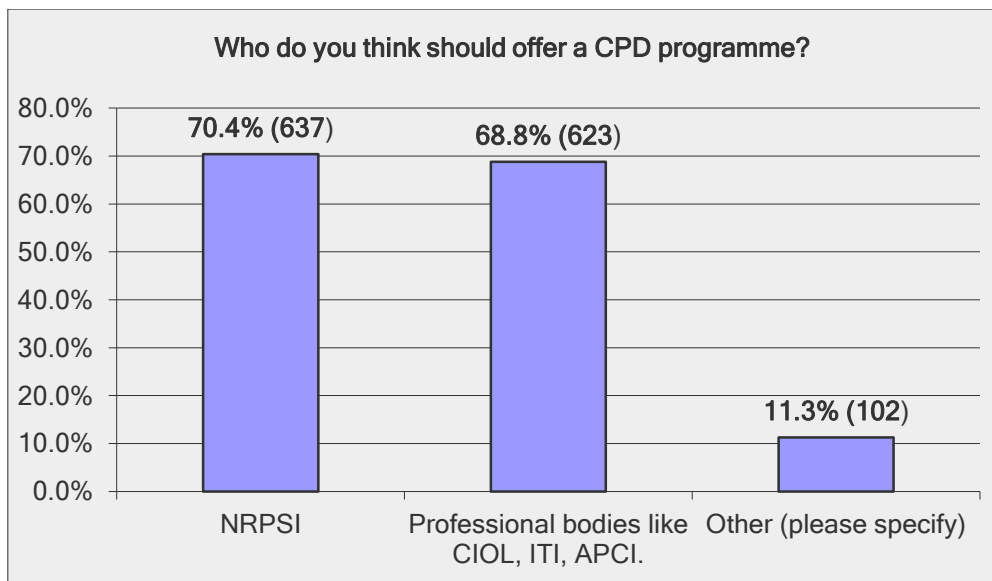
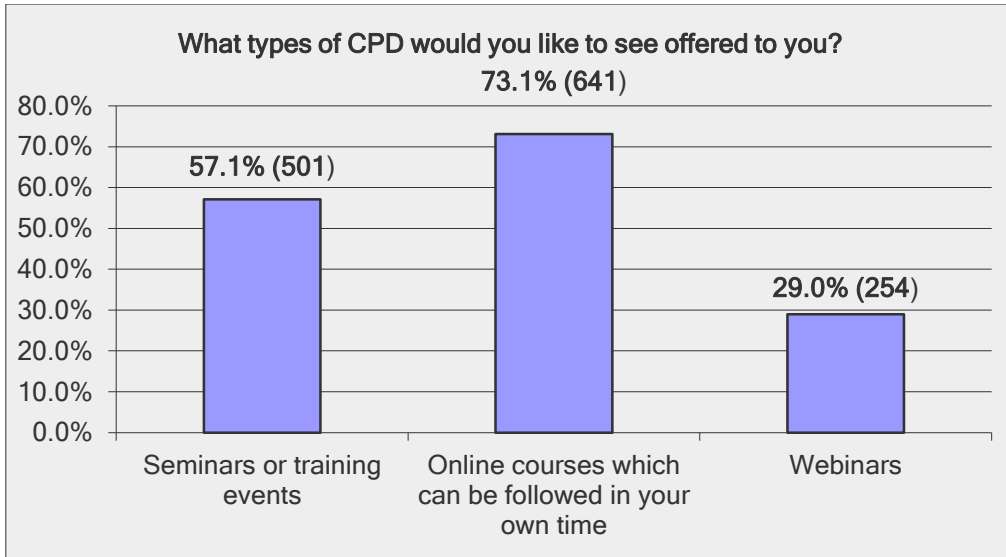


Do you currently do any Continued Personal Development, to maintain and develop your skills?

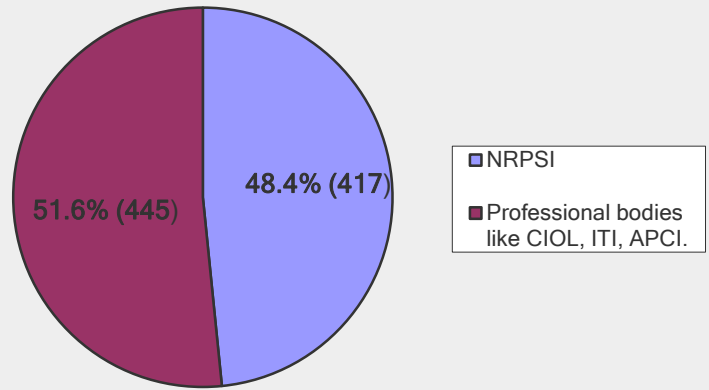


Which current types of CPD do you do?

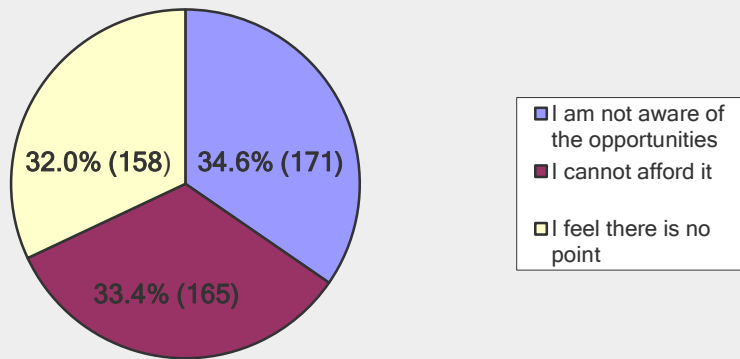




Who do you think should accredit formal CPD training?



If you are not currently doing any CPD, please tick which reason most currently reflects the reason for this:

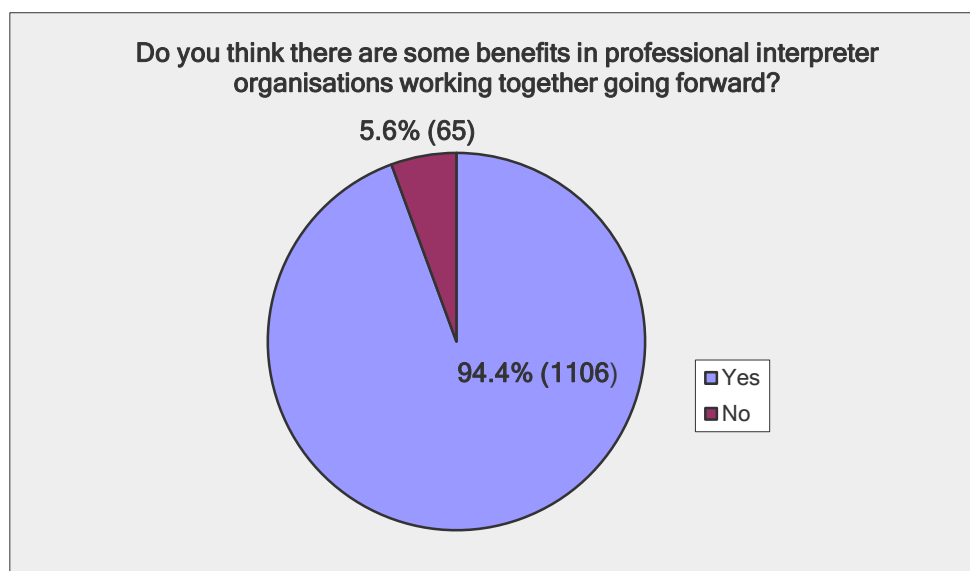


6. PI4J – the future

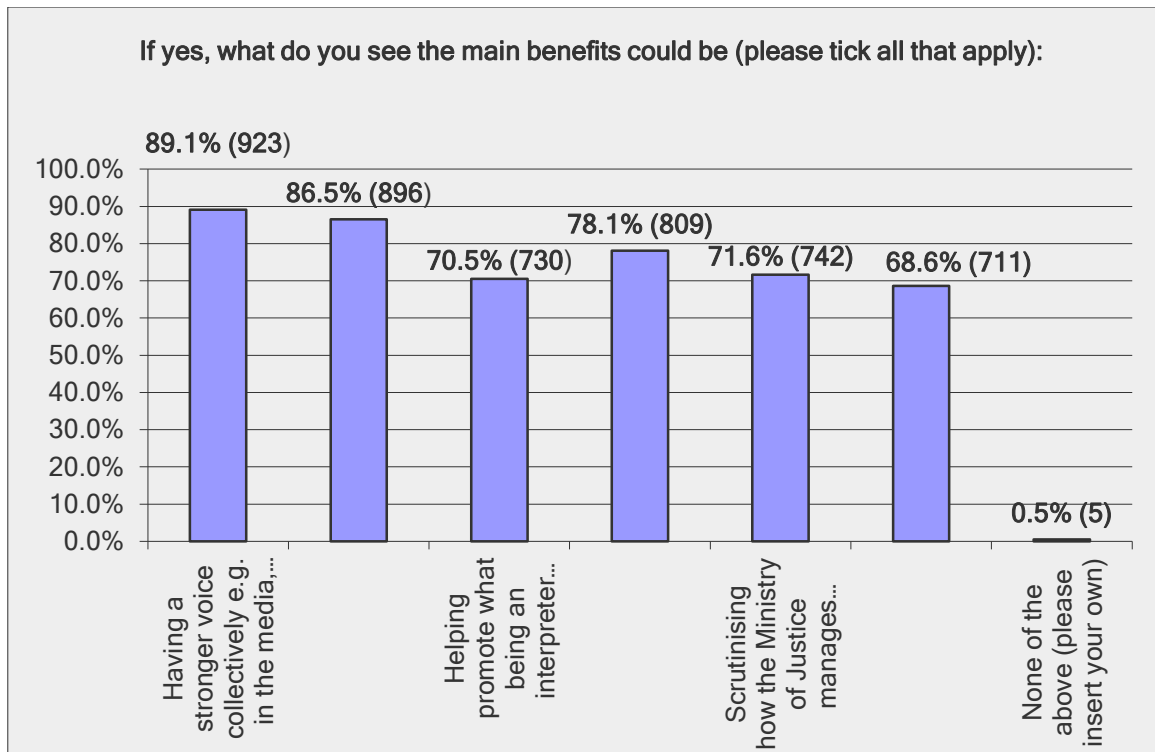
Professional Interpreters for Justice – the future

- 94% said there are benefits in professional interpreter organisations working together in the future.
- 33% said they would like PI4J to change its role, whilst 64% said it should keep its current role, which aims to work in partnership with the Ministry of Justice to safeguard the quality of interpreting services for the Criminal Justice System. PI4J's work has to date focused on lobbying against the Framework Agreement and outsourced contract to Capita TI which lowered standards and continues to disrupt courts and jeopardise justice. The FWA has not proven to be value for money.
- Of the 33% who said they would like to see PI4J change, the majority (68%) of these want PI4J to become a Federation which offers interpreting services, whilst 24% said any Federation should primarily focus on areas like Continuing Professional Development, quality and working with the Ministry of Justice.

Do you think there are some benefits in professional interpreter organisations working together going forward?



- 94% said 'Yes'
- 6% said 'No'



Those who said ‘yes’ to professional interpreter organisations working together going forward saw the benefits as follows:

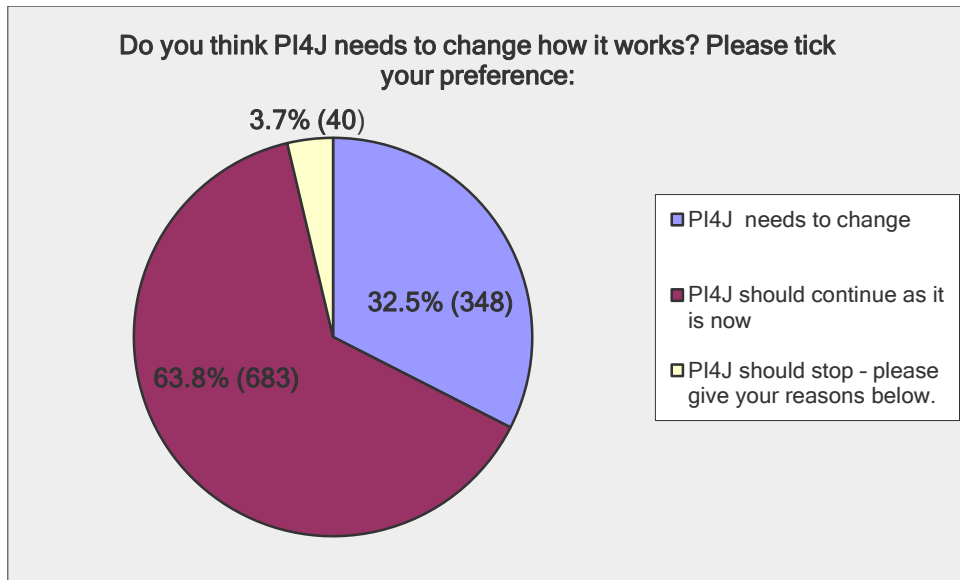
- Having a stronger voice collectively e.g. in the media, with Government (89%)
- Representing the profession (86.5%)
- Helping promote what being an interpreter means (70.5%)
- Helping raise standards (78%)
- Scrutinising how the Ministry of Justice manages interpreter services (71.6%)
- Lobbying Government to ensure an improvement on the Framework Agreement is developed (68.6%)

Do you think PI4J needs to change how it works?

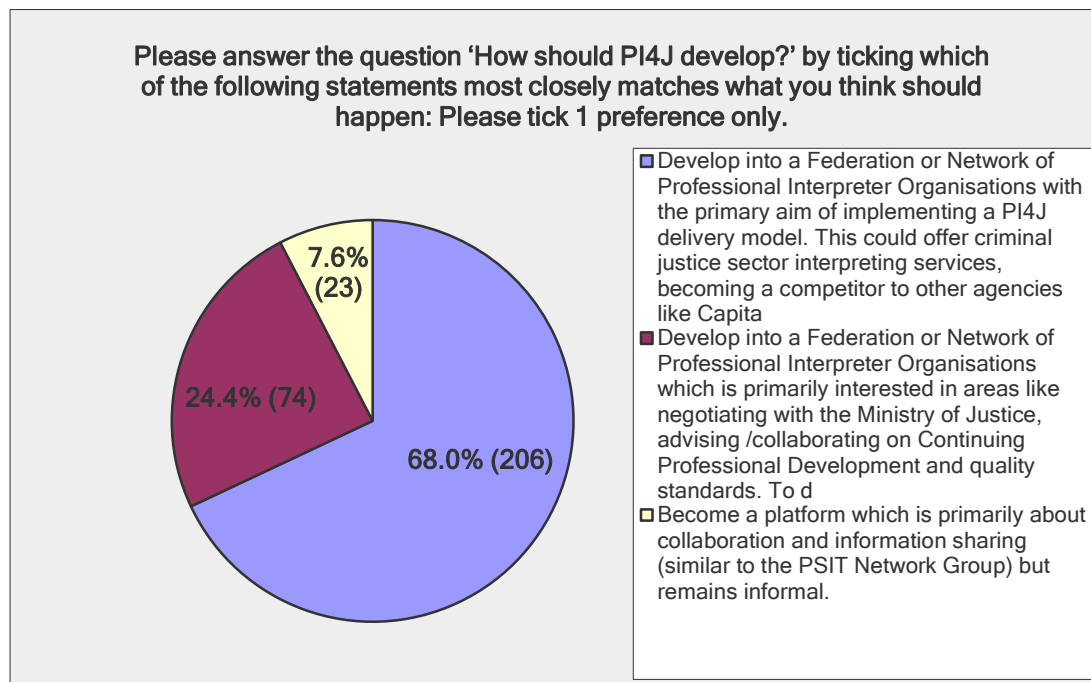
63.8% say PI4J should continue as it is now.

32.5% say it needs to change.

3.7% say PI4J should stop.



How should PI4J develop?



- 68%: “Develop into a Federation or Network of Professional Interpreter Organisations with the primary aim of implementing a PI4J delivery model. This could offer criminal justice sector interpreting services, becoming a competitor to other agencies like Capita TI. It could involve actively working with other organisations, companies, agencies, stakeholders etc. to develop and promote an alternative to FWA which would be acceptable to NRPSI interpreters and endorsed by the majority of professional interpreters. To do this, PI4J could form a Community Interest Company or co-operative. Additional areas of activity could also include collaboration on CPD, the promotion of quality standards etc.”
- 24%: “Develop into a Federation or Network of Professional Interpreter Organisations which is primarily interested in areas like negotiating with the Ministry of Justice, advising /collaborating on Continuing Professional Development and quality standards. To do this, PI4J could form a Community Interest Company or registered charity similar to the Vertice Network of Associations in Spain.”
- 8%: “Become a platform which is primarily about collaboration and information sharing (similar to the PSIT Network Group) but remains informal.”

7. Comparing the surveys' findings

'A Fair Deal for Interpreters' was the first Involvis survey, published September 2011 before the Framework Agreement came into operation.

Its conclusions predicted that the Framework Agreement would cause chaos.

Here are the September 2011 conclusions, with the October 2013 findings:

September 2011 Report

October 2013 Survey

<p>"Pay & conditions will not be sufficient to retain qualified interpreters"</p>	<p>74% of interpreters say they have NOT registered with Capita TI, which demonstrates the fact that the majority of qualified interpreters will not work under the Framework Agreement.</p> <p>88% (779) said they are not tempted to work for Capita This includes some who registered with Capita but are not accepting jobs.</p>
<p>"There will be a haemorrhaging of skilled operatives from the system"</p>	<p>71% (718) of interpreters who completed the October '13 survey say they are on the National Register of Public Service Interpreters (NRPSI).</p> <p>62% (399) say they are working through agencies other than Capita TI – showing Capita TI has not attracted qualified interpreters to its register and that the Framework Agreement has splintered. It is not working.</p> <p>26% said they are currently registered with Capita TI. Of these:</p> <ul style="list-style-type: none"> • 68% (139) said they are not being treated fairly and respectfully • 77% (178) said their overall experience of working for Capita TI is negative • 83% said they had not been offered any training

<p>“Individuals who do not have English as their first language will regularly and increasingly be unable to obtain justice.”</p>	<p>72% of those who responded said they had seen interpreters in court whose language or other skills were not of good enough standard.</p> <p>64% felt quality and professionalism had been lost altogether because of the FWA and 32% thought there had been some loss.</p> <p>[Note: On The Ministry of Justice’s Statistics Bulletin (Quarterly Update to June 2013) has published details of 9,800 complaints since the Framework Agreement began.]</p>
<p>The EU Directive... will be breached</p>	<p>We do not believe the UK can ensure proper implementation of Directive 2010/64/EU on the right to interpreting and translation in criminal proceedings, which came into effect on 27 October 2013.</p> <p>Member States are under a binding obligation to ensure a quality of interpretation (and translation) services that is sufficient for safeguarding the fairness of criminal proceedings. They are also bound by Article 8 (non-regression clause) which prohibits the lowering of existing standards in Member States during transposition.</p>
<p>The cost of the “reforms” will far outweigh the short-term savings</p>	<p>Professional Interpreters for Justice will shortly be publishing its figures for the estimated ancillary costs of the Framework Agreement which show any published “savings” are written off by the hundreds of days of wasted Crown Court and Magistrates Court time.</p> <p>Additional time and expense of continued remands in custody, repeated transport costs, wasted video link charges and other expenses should also be factored in.</p>

A history of the interpreter surveys which predicted and tracked the downward spiral

This is the fifth similar survey to be carried out over the past two years, the first being in September 2011 (there were 842 participants) which was before the Ministry of Justice's Framework Agreement and contract with ALS (which became Capita TI) was introduced on 30 January 2012.

The second survey was carried out in February 2012 (1,206 participants); the third in August 2012 (965 participants), the fourth in February 2013 (859 participants) and the fifth in October 2013 (1,172 participants).

The series of surveys have provided unique insights during a period when the UK interpreting profession has been badly let down by its Ministry of Justice; when quality of interpreting in criminal justice, paramount for an individual's right to a fair trial, was overridden by a political agenda to cut costs by an unproven method of outsourcing to a single, profit making provider under the Framework Agreement.

After the contract began there were immediate, well publicised problems. What followed were three highly critical Government inquiries:

- a. [National Audit Office report](#), 10 September 2012
- b. [Public Accounts Committee report](#), 6 December 2012
- c. [Justice Select Committee Report](#), 6 February 2013

The Justice Select Committee then hosted a House of Commons debate on 20th June 2013 during which its Chairman, the Rt. Hon. Sir Alan Beith, said 'it will not be possible for the Ministry to escape parliamentary scrutiny after this debate'. The Public Accounts Committee and National Audit Office are continuing to investigate. The Ministry of Justice has yet to deliver the quality review which was called for by the National Audit Office and it has yet to report on the wasted costs.

The NRPSI

The NRPSI, a not-for-profit organisation, continues to operate and maintain a voluntary register for the profession, with around 2,000 interpreters currently registered. The NRPSI has a minimum quality standard to register as an interpreter on its list and it maintains this standard through a Code of Conduct. The database of professional interpreters is freely available for courts and police services, as well as other public and private organisations needing professional interpreters.