

# Courtroom interpreters in the changing landscape

How do public services interpreters working in courtrooms feel about their work?

Liubov Green reports on her research into their experiences

**Over recent decades, Britain's demographic landscape has shifted dramatically, and there has been a knock-on effect on the public courts. Demand for public service interpreters in the UK has never been greater – and cases increasingly involve multiple languages.**

My PhD research at Aston University explored how the professional role and identity of courtroom interpreters in England and Wales is shaped socially and discursively by the courtroom actors, and how this is evolving in a rapidly changing social and linguistic environment, marked by significant shifts in the public sector provision of interpreting services.

## Methods, questions and interviews

I spent 78 hours observing interpreter-mediated hearings in Birmingham Magistrates' Court, Crown Court, and civil courts, as well as a Birmingham immigration tribunal,

**Comparisons between different legal environments revealed how interpreter roles shift according to formality, complexity and resources**

where I took notes on everything from physical settings, audibility and seating arrangements to types and stages of hearings, the language required, modes of interpreting, oath taking by interpreters, and interactional dynamics in the courtroom. This variety allowed for comparisons between different legal environments, revealing how interpreter roles shift according to procedural formality, case complexity, and available resources.

I also surveyed practising interpreters, legal professionals and court staff to gather perceptions of the interpreter's role and status. Questions explored perceptions of role boundaries, professional recognition and the adequacy of current institutional arrangements.

I received responses from over 70 interpreters and 30 legal professionals in all, which provided quantitative context to the qualitative insights.

In addition, I conducted in-depth interviews of between 30 and 90 minutes with interpreters, solicitors, barristers and clerks to explore experiences and expectations.

I focused on three issues: How do these interpreters view their own role in the courtroom, and how does that compare with what happens in practice? How do legal professionals and court officials perceive the interpreter's role and status? And what is the social/professional status of court interpreters in England and Wales?

## Conflicting expectations and real-life interaction

It is widely acknowledged that the role of the interpreter in a legal setting is to put both parties on an equal footing. Yet the system for providing interpreters in England and Wales is under significant strain. Since the Ministry of Justice (MOJ) outsourced court interpreting services to private contractors in 2011–2012, many experienced, qualified interpreters have left the profession. Professional standards have declined, pay rates have fallen, and shortages of suitably qualified practitioners have led to inconsistent quality. As one solicitor told me during my research: 'I had a case yesterday where a poor chap in need of a Romanian interpreter

## Perspective, practice, patterns and policy

The research I carried out is grounded in a social constructionist perspective, which views professional identity as something that is not fixed but is created, negotiated and sustained through social interaction. In this context, the role of the courtroom interpreter is understood as emerging from the ways interpreters and other courtroom actors talk about, negotiate and enact that role in practice.

I used a qualitative, ethnographic approach to capture the lived realities of courtroom interpreting. This means understanding professional role and identity not as something fixed, but as something negotiated in social interaction, shaped by expectations, constraints, and relationships with other courtroom actors. I combined thematic analysis with elements of discourse analysis to identify recurring patterns and themes and to link them with broader institutional and policy contexts.



**Courtrooms are very hierarchical spaces: but where do interpreters sit?**

had his case adjourned for the eighth time; iPads and Google Translate were used instead...It's a national disgrace.'

One of the most evident findings was the sheer diversity of expectations – often conflicting ones – placed on interpreters. On paper, the interpreter's role is narrowly defined in codes of conduct and professional guidelines: to interpret everything said in court faithfully and impartially, without adding, omitting or explaining anything. This prescriptive model assumes a neutral conduit role, akin to a mechanical process.

However, in practice, this ideal is constantly challenged by the realities of courtroom interaction. Interpreters often contend with poor acoustics, overlapping speech, ambiguous and complex questions, and culture-specific references that require careful handling to preserve meaning without overstepping professional boundaries.

Interview and survey respondents described occasions when courtroom actors, including magistrates, judges, solicitors and clerks, appeared to expect them to perform in different capacities. Some of these roles align with those discussed in the academic literature on courtroom interpreting. The most common role assumptions included, but were not limited to, these:

- 'Neutral conduit' (one of the most controversial and widely debated role descriptors in the academic literature): the interpreter is a kind of machine who works directly from one language into another and is expected to be accurate on a word-for-word basis. This view is particularly common among members of the legal profession with limited knowledge of languages and the interpreting process.

**Interpreters often shift between different roles within a single hearing, sometimes within the same exchange**

- 'Advocate' or 'cultural mediator' roles: responsible for explaining procedures or clarifying cultural points to avoid misunderstandings. Although this is generally discouraged by the professional bodies and codes, some respondents felt pressure from legal professionals or defendants to do this. Others admitted helping defendants (thereby effectively assuming an 'advocate' role) simply because they felt it was natural and human to empathise with, and want to assist, another person in a precarious situation.

- 'Facilitator of communication': ensuring effective communication between the parties with meaning conveyed accurately across linguistic and cultural boundaries. This is the most prevalent role perception that I observed in the courtroom, and it is the one also supported by the National Register of Public Service Interpreters (NRPSI) and the ITI codes of professional conduct.

These roles are not mutually exclusive. In fact, interpreters often shift between different roles within a single hearing, sometimes within the same exchange. Such conflicting expectations highlight a core tension in the profession: the difference between the codified role as defined by policy, and the enacted role as shaped by real-life interaction.

### **Lack of professional recognition for interpreters**

There were a number of instances that demonstrated a lack of consideration and even a lack of respect for the court interpreter's role. For example, poor audibility in the courtroom coupled with the absence of basic interpreting equipment (hearing loops) along with court actors speaking rapidly and/or in a low voice makes it difficult for the interpreter to hear, and therefore to perform their prescribed professional role.

Several interpreters described being ignored or dismissed by court staff, being seated in positions that made their work harder, and/or having no opportunity to clarify critical points during court proceedings. The most frequently cited challenge was a lack of consideration for interpreters; for example, speakers talking too quickly or too quietly. This was followed by technical issues, difficulties with terminology, and what several respondents described as a 'lack of respect' for interpreters. Six respondents said they felt treated as a nuisance.

Other challenges mentioned included poor working conditions (such as a lack of breaks, no designated seat for interpreters in the courtroom, and insufficient provisions), the emotional load of the work, strong or unfamiliar accents, the atmosphere in the courtroom, and low remuneration. However, the most pressing issue was payment. One interpreter said: 'Continuous cancellations [and] unfairly long payment times... demonstrate the fact that no one values the efforts and problems linguists face every day. [These include] booking linguists for a certain period of time and then...paying them either nothing or a small fraction of what had been agreed, [and] abusive and insulting treatment by some agency and court staff members.'

### **The impact of MOJ outsourcing**

Many participants also linked this lack of recognition to the outsourcing of public service interpreting (PSI) services. Overall, the shift from court-managed booking to a single outsourced

provider has had profound consequences. Under the previous National Agreement, interpreters were required to hold specific qualifications and be registered with NRPSI, supported by a code of conduct and clear quality standards.

Respondents raised concerns about:

- a reduced pool of highly qualified interpreters willing to work in courts
- increased reliance on inexperienced or untrained practitioners
- frequent delays and adjournments caused by interpreter no-shows
- lower pay rates and less favourable working conditions
- erosion of trust between interpreters and legal professionals
- a marked decline in the professional and social status of interpreters.

## Power dynamics in the courtroom

Courtrooms are highly hierarchical spaces, with clear power relationships between judges, lawyers and other participants. Interpreters occupy an ambiguous position in this hierarchy: they are neither part of the judiciary nor wholly aligned with the defendant. In some cases, this ambiguity gives interpreters subtle influence over how matters are conducted. For example, they might control the pace of questioning or decide when to interrupt to seek clarification. In others, it leaves them vulnerable to being overruled or ignored.

From a discourse-analytical perspective, I observed that interpreters' seating positions, body language, and even clothing could influence the way in which they were perceived. In most courts, interpreters were seated with the defendant in the dock, a positioning that can create a visual association between the two. In some instances, this placement made the interpreter almost invisible to other courtroom participants; in others, standing beside the defendant when interpreting testimony gave them a more visible and active presence. Such spatial arrangements carry meaning not only for other participants but also for interpreters' perceptions of their own role.

Forms of address also reflected this power dynamic. In many hearings I observed, interpreters were addressed simply as 'interpreter', without any personal title or name, a form some practitioners perceived as impersonal or dismissive. In other cases, legal professionals addressed them with formal titles, such as 'Mr/Madam Interpreter', signalling recognition of their professional status. By comparison, representatives of the legal profession were almost always addressed with formal titles. Survey

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and interview responses suggested that these differences in address influenced how interpreters felt they were perceived by other court actors. This variability reinforces the structural hierarchy in which interpreters operate, often positioning them on the periphery of courtroom authority despite their central role in enabling access to justice.

## Continual fluidity, continually renegotiated


My research demonstrates that the professional role and identity of court interpreters in England and Wales are fluid, contingent and continually renegotiated in the course of interaction. They are shaped by institutional policy, courtroom culture, power dynamics and the unpredictable realities of legal proceedings. Interpreters must constantly reconcile conflicting pressures: to remain neutral while being human, to adhere strictly to linguistic fidelity while ensuring functional comprehension and to respect institutional hierarchy while maintaining professional autonomy.

I came to three main conclusions:

**Role clarity is essential** – for interpreters and for those they work with. Legal professionals require targeted training on the interpreter's role, the interpreting process, its limitations and the relevant professional standards. Without this shared understanding, misaligned expectations will continue to create tension, lead to errors and inefficiency, and, in some cases, result in a miscarriage of justice.

**Standards must be restored** – the current MOJ outsourcing model has undermined quality and devalued professional expertise. Mandatory qualifications, NRPSI registration, and fair pay rates would not only improve quality but also attract and retain skilled practitioners.

**Interpreters need an institutional voice and visibility** – both in policymaking and in day-to-day court operations. As integral actors in the delivery of justice, interpreters need to be included in those policy discussions that affect their work (see boxout). Their physical positioning in the courtroom, treatment by court staff, and even the way they are addressed all shape their role and professional standing.

Ultimately, as migration and superdiversity continue to reshape the UK, the demand for highly skilled, professionally recognised court interpreters will only increase. This study offers a grounded, practitioner-informed account of the challenges, and points to realistic ways forward for policy, training and practice. 

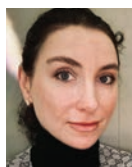
ITI is part of the Language Services External Stakeholder Forum, which meets regularly with the MOJ.

## Reports and data from the Ministry of Justice

The MOJ has a number of publications relating to interpreting in the courts and justice system, including:

- *Guide to language interpreter and translation services in courts and tribunals*
- *Use of language interpreter and translation services in courts and tribunals statistics*
- *Criminal justice statistics quarterly*.

See also the Public Services Committee report *Interpreting and language services in the courts*.



Dr Liubov Green's background includes work as a public service interpreter and as a senior HR professional specialising in employment law and workplace communication. This dual perspective enabled her to see the courtroom both as a workplace with its own hierarchies, pressures and cultures, and as a space where communication can have life-changing consequences. Her aim has always been to bridge the gap between academic insight and professional practice.