

RESPONSE OF THE NATIONAL REGISTER OF PUBLIC SERVICE INTERPRETERS TO THE MINISTRY OF JUSTICE PROPOSALS

1. Introduction

1.1 Thank you for your letter of 30th March inviting comments to inform the final stages of the decision process on the implementation of the reform proposals.

1.2 NRPSI provides the independent register of public service interpreters (PSIs) in the UK and currently has over 2,000 registrants. Established as a company limited by guarantee (Company number 075855982) on 1st April 2011 it has a board of directors, appointed through a competitive, open selection process by a separate and independent panel.

1.3 Under its previous ownership a review was undertaken of the role and purpose of NRPSI which identified many of the issues highlighted in the Ministry of Justice Review. The outcome, the establishment of the Register as a completely independent body, sought to address not only the changing needs of the profession but also the stated improvement objectives of the MoJ.

1.4 Thus NRPSI is no longer associated with the Chartered Institute of Linguists. Its aims as a Regulator are to maintain and expand the register, ensure quality standards are maintained and monitored, make the register available free through an open web site, and to provide a long term sustainable future for the register to serve the needs of public sector interpreting in the UK.

1.5 The comments below are made within this context in the interests of both the PSIs employed by the MoJ and the public sector which makes use of the services provided by interpreters. As the newly formed regulator this is the first response we as a Board have made to the Ministry of Justice proposals and we see it as an opportunity to establish a new and positive relationship with the MoJ in working together for the benefit of all involved.

2. Summary View

2.1 Whilst we understand the drive to make cost savings within the justice sector, we believe that the outcome of these proposals, if implemented without alteration, will be to merely shift a significant proportion of any such cost savings to other parts of the public sector.

2.2 We also believe that the proposals will reduce standards of public service interpreting and consequently affect the integrity of the justice system and by linked consequences the health and local government sectors as well.

2.3 Some of the proposals, such as that of allocating interpreters into one of three tiers are unnecessary, divisive and merely add to the cost and complexity of a system that already operates with strict quality criteria.

2.4 There are inefficiencies in the way in which the existing arrangements are managed within the criminal justice sector often arising from a lack of understanding of the cost consequences of actions taken. The understandable drive to reduce the cost to the criminal justice system is focused on a solution of passing on responsibility to a third party. This runs the risk of ignoring the effectiveness of better management within the existing system and relationships. If those within the criminal justice system do not understand the cost consequences of their actions in engaging with interpreter services any move to outsource such provision will have little effect. Attention should rather, or as well, be directed internally to improve the management of the actual engagement of interpreter services.

2.5 The proposals as mooted would run counter to the guidance and strictures coming from the EU concerning standards and delivery of public service interpreting.

2.6 Public Service Interpretation is at the forefront of ensuring that human rights are maintained and that miscarriages of justice are prevented. In the context of the provision of such services this responsibility should not be delegated or abdicated to market forces without strong oversight and control. For these reasons the NRPSI will actively seek statutory protection for its registrants.

3. NRPSI's Role

3.1 NRPSI is a long standing organisation respected by all stakeholders and is now independent. It is the sole agency responsible for maintaining the quality of public service interpreters through the operation of the National Register. The current National Agreement recommends the NRPSI as the standard source for face-to-face foreign language interpreters. Whilst the Police and Criminal Evidence Act 1984 predated its establishment the Register also provides a resource to be used as part of the best practice identified in the Act.

3.2 Registration with NRPSI is the gold standard of quality for public service interpretation internationally with registrants required to have specified experience, references, security clearance and to be re-registered annually to ensure continued competence.

3.3 Whilst we accept that the landscape has changed, the Board of the NRPSI does not accept that that the 'market place providers' are the appropriate bodies to regulate the interpreters' profession.

3.4 Given that the reformed and repositioned NRPSI does not represent, work on behalf of or is directly associated with any sector lobby, but purely regulates and supports the interests of all the stakeholders involved in the interpreting world as well as the interest of the general public we would invite the MoJ to acknowledge the role that the new NRPSI can provide as a central support in the new MoJ proposals.

3.5 For example NRPSI is indeed the only complete list of qualified interpreters with a record of their security clearance and any track of disciplinary records. Therefore where the MOJ refers to a "single list", this should be clarified as "the list of interpreters as supplied by NRPSI". Any notion of creating an alternative list would in our opinion cause confusion and as a result destabilise the solid and accepted balance provided currently by NRPSI.

4. Respective Responsibilities

4.1 The quality assurance of any list of Public Service Interpreters should continue to rest with NRPSI as the voluntary regulator. In another part of the public sector the White Paper "Trust, Assurance and Safety – the Regulation of Health Professionals in the 21st Century" usefully distinguishes between the roles of regulator provider, practitioner and employer and gives clear and separate functions to each.

4.2 As NRPSI we see that such a specification framework is a very useful mechanism to better understand the interplay of roles and responsibilities within a fair, effective and transparent service provision and have applied such an approach to the MoJ's proposals.

4.4 Thus the regulator's role is to set and promote standards for admission or remaining on the register, maintaining the register, checking registrants' continued eligibility, dealing with complaints / competency issues and ensuring high standards of education. It also has a responsibility, in partnership with others, in promoting the role and opportunities for PSI's and encouraging where necessary the increase in numbers of suitably qualified interpreters to meet the changing demands of the public sector.

4.5 Looking at the MoJ's Equality Impact Assessment Initial Screening which provides a useful summary analysis of the proposals, we identify the regulator [NRPSI] with the following objectives set out in Annex A. (Numbers relate to the numbers you quote in Annex A): -

2. Verifying identity and credentials
3. Ensuring adherence to a Code of Conduct
4. Maintaining quality and dealing with inappropriate behaviour.
5. Training and development
6. Increasing numbers to meet local demand across England and Wales.
12. Compliance with EU measures /establish registers.
13. Respond / engage Government re development of policy etc.

4.6 In our view the employer's / contractor's role is clearly that of work matching, recruiting interpreters and maintaining required management information. Thus using your same analysis the provider's role is defined by the following objectives set out in Annex A.: -

1. Ensuring an interpreter/translator is provided for each individual assignment
6. Increasing numbers of suitably qualified and vetted interpreters/translators
7. Improved value for money/ more efficient planning and use of resources
8. Reducing overheads, streamlining bookings and payments processes
9. Monitoring /tracking management information
10. Planning new ways of working and new commercial arrangements
11. Improving technology /development and improved ways of working.

4.7 Interestingly the only common responsibility between the regulator and the employer/contractor is the shared interest in increasing the number of interpreters. This gives a clear indication of the way in which both sides should be seeking to work together on behalf of the sector as a whole.

5. Training/Qualifications

5.1 To be effective, regulators must be seen to be independent, transparent, accountable, ethical, dispassionate and just. To ensure professional and public confidence strong assurance of regulator independence is needed and regulators should be separate from the Government, independent from employers and independent from professionals themselves.

5.2 The regulator is responsible for ensuring that standards set by the regulator are maintained and it is for the regulator in consultation with all users and training providers to determine the content of appropriate qualifications. It is not good practice for employers, providers, members' organisations or professionals to own the gatekeeper qualifications for any profession.

5.3 We have concerns as to the future status of unaccredited 'in house' training and the certificates issued by providers. We accept providers should offer training to staff to equip them for their job, and that 'in house' certificates are appropriate. In this context we recognise that there is, and probably always will be a spectrum of qualifications as new requirements come into play and the necessary qualification framework develops over time. The regulator's [NRPSI's] role is to make it clear which qualification are pathways to NRPSI accreditation and NRPSI has sound processes in place to provide such assessment and process

5.4 We also make the point that whilst the new NRPSI does not represent the interests of interpreters it does of necessity take into account the interest of all stakeholders through effective regulation. The essence of effective regulation depends on maintaining high quality standards and the buy in to these from both employers/users and practitioners. We observe that it is unrealistic to expect already qualified interpreters to go through an expensive and unnecessary round of obtaining further qualifications. This is unlikely to be accepted and therefore resisted by the interpreters, causing difficulties and confusion in the maintenance of the common, quality national register provided by the NRPSI.

6 Tiered qualifications

6.1 The recent NRPSI review recognised that various levels of accreditation and qualifications could be appropriate to a range of specifically identified roles relevant to the public sector. It is an aim of NRPSI to develop these. These should be developed by the regulator in partnership with contractors and users. We have concerns that the tiers you propose in their current form will cause ambiguity, confusion and ultimately a fall in quality.

6.2 Any lowering in the standards is surely unacceptable to the MoJ. The tier system, particularly the identification of a Tier 3, suggests in some circumstances a move towards allowing unqualified people to perform the very sensitive and important job of interpreting. This surely threatens and runs counter to the objective of both maintaining and improving the quality standards demanded, quite rightly, by the users and employers of interpreters.

6.3 We note that your document states that the Tier 1 level includes "Membership" of the "National Register of Public Sector Interpreters". The correct word should of course be "Service", and additionally we would point out that NRPSI is not a membership body. The correct terminology is to refer to registrants, not members. A small point perhaps but important in making it quite clear that NRPSI is an

independent registrar maintaining the National Register and therefore a resource and facility of value to all stakeholders – especially to the MoJ.

6.4 There is also a mismatch between the qualification criteria used in your Tier 1 and that used by NRPSI (e.g. in the hours of experience). The latter has been developed over time, with stakeholder engagement and understanding (including that of the MoJ), and within a system that validates and verifies on an annual basis and works well. Why seek to move away from that and set up a new alternative? Surely it is more acceptable, sound and effective to use what already exists, and is provided by NRPSI?

7 Assessment Centres

7.1 What is the point of assessments which in your own words “essentially mimic the structure of the DPSI exam”? DPSI is an accredited qualification. NRPSI assesses this and other relevant qualifications as part of the process of registering interpreters. What is the point of a separate, costly system to what is already available? Surely it is more effective to use what already exists, and is working well?

8 Appraisals

8.1 Whilst we approve of the intention to maintain standards in whatever process is employed in engaging the services of interpreters we see no value, and some danger, in introducing new processes of assessment and an annual appraisal. The existing register, administered by NRPSI and to which access is offered to potential employers of interpreters (including agencies) without charge, already ensures such quality standards through the registration process and by the annual update and monitoring ensures that such standards are maintained.

8.2 As a regulator we are already committed to Continued Professional Development [CPD] which is an integral part of annual registration. We believe it is a regulatory role to amend the entry qualification to include registrant performance appraisal if appropriate. It is however quite a separate responsibility for employers / providers to monitor the performance of their employee / staff to ensure that their individual performance meets contractual / employers' standards. Where there are examples of inadequate performance we accept that this may affect the willingness of the employer to re-employ that interpreter. It may also form the basis for incapacity proceedings within the NRPSI which may or may not lead to a registrant's removal from the national register.

9 Code of Conduct, Maintaining Standards and Disciplinary Procedures

9.1 In relation to any code of conduct, we accept that any provider must develop internal disciplinary proceedings in respect of employment and that these should conform to the specified contractual terms. However in the interests of justice and effectiveness of the provision of interpreting services to the public sector the monitoring and enforcement of a professional code of conduct should be completely independent of any commercial interests.

9.2 Thus the concept of disciplinary body to monitor practitioners performance is supported by NRPSI, and we believe that this is a role that should be recognised as being undertaken by NRPSI given that NRPSI is respected and recognised by all stakeholders, is independent and has already got the set up in place for this function.

9.3 We have relevant sub committees in place with fully trained and dedicated panel members and as we consider this function of NRPSI to be very important we have a range of sanctions in place, the highest of which is the expulsion from the Register for life. It surely is unthinkable to assign such a role to a private agency with a financial and vested interest in the field rather than looking to the independent process provided by the NRPSI.

9.4 Indeed disciplining and monitoring performance should not be limited to that of interpreters alone. Ideally the performance of the agencies should also be monitored not just for contractual commitments but also on the influence they exert on other stakeholders. Whilst this is clearly the responsibility of those employing agencies this is a role that NRPSI is happy to consider in conjunction with potential support and set up offered by the MOJ. If invited, we can explore this further with the MoJ and others.

10 Conclusion

10.1 It is asserted by the Ministry of Justice that these measures will deliver the thirteen outcomes listed at Annex A. Our views as expressed above are that this will clearly not be the case.

10.2 In fact much of what the MOJ is trying to achieve does already exist and whilst some change is obviously required, wholesale alteration as contained in the present proposals risks throwing the baby out with the bathwater. Many elements of good practice currently work well having been developed over decades.

10.3 Therefore whilst we support the overall aims, in our view they can only be achieved realistically through a wider, flexible and partnership approach. We also recommend that a clear timetable be produced on how these proposals will be evaluated against the listed criteria – this is not apparent at present. Any national agreement should specify the terms of its evaluation and define the critical success factors in priority order including quality improvements for the profession in general.

10.4 We accept that there may be value in an additional process running alongside the NRPSI to fill gaps that occur through the employment of interpreters not registered with NRPSI. However to replace NRPSI, albeit over a period of time, which is what these proposals will lead to, will increase costs and be detrimental to the sector.

10.5 In a similar vein the intention that the single supplier, or a small number of suppliers, will deliver a new register of interpreters and translators, available to be handed over to others at the end of a contract, runs the risk of being seen as a misuse of monopolistic powers provided by the MoJ as a result of this contract approach. We believe this is restricting competition, and dangerous in that the independence of the existing NRPSI register will be replaced by a commercially driven new register developed for the sole purpose of the single supplier's interests in fulfilling its contractual responsibilities. In fact it threatens the continued existence of NRPSI and therefore cannot be supported by us.

10.6 We would recommend in fact that the MoJ looks to move to a position that requires that all interpreters used by or on behalf of the MoJ are registered with NRPSI. This would effectively provide the levels of quality and assurance that are being sought and be understood and accepted by stakeholders.

10.7 We suggest that the MoJ acknowledge the strengths of the existing system by requiring the chosen supplier to work closely with NRPSI as the provider and

administrator of the approved national register of public service interpreters. NRPSI and the contractor in partnership should identify any gaps in geographical, language and experience coverage and the means and actions required to fill them.

10.8 In their current form we believe that the MoJ proposals are divisive, disruptive and far from containing or reducing costs and maintaining and driving up quality will have exactly the opposite effect. Rather than setting one part of the sector against another and turning organisations and professionals inwards in seeking to protect their own continued existence, we are firmly of the view that the MoJ can achieve much more by working in partnership with the regulator, suppliers, interpreters and their membership organisations and other stakeholders.

10.9 For our part the board of NRPSI is willing to engage in further dialogue with the MoJ and others to work towards and achieve a common objective that will better serve the needs of the MoJ than the current proposals.

Ted Sangster
Chairman
On behalf of the Board
3rd May 2011

Email contact : anthony.sangster@virgin.net
Mobile : 07770 646462

NRPSI Limited
Saxon House
48 Southwark Street
London
SE1 1UN
+44 (0) 20 7940 3150

www.nrpsi.co.uk