



Rt Hon Sir Alan Beith MP
Chairman, Justice Select Committee
House of Commons
London
SW1A 0AA

31 May 2012

Dear Mr Chairman

Thank you for your letter of 15 May 2012 in which you asked a number of questions in relation to the Framework Agreement for Language Services, on behalf of the Justice Select Committee.

There were problems in the first few weeks of the full implementation of this contract but once I became aware of these I ensured HMCTS and the Ministry reacted swiftly to deal with them. Throughout this time the senior management teams of both MoJ and HMCTS received daily updates on the situation, and the HMCTS Board has been receiving regular performance updates.

I have met with senior executives of Capita to underline the seriousness of the situation to them, and the need for immediate improvement. I am pleased to say that the contractor has now taken a number of steps which have led to a significant improvement in performance.

We also continue to receive feedback from the courts and tribunals, together with input from the judiciary, on how the service is performing. What is clear is that while we are still working through issues in some areas, statistics which we published last week show a very marked trend over the first three months of the service of increasing success rates for requests for interpreters. In February, the success rate was 65%, increasing to 82% in March and 90% in April. These published statistics do not include the further improvement reported so far this month.

Disruption to court business and numbers of complaints have significantly reduced as a result of the measures taken, and there are now only a very small number of cases each day when an interpreter job is unfilled. We continue to monitor performance very closely and continue to seek improvements in performance.

I am confident that the Framework Agreement can provide the service that the justice sector requires and the efficiencies forecast.

Turning to the specific matters you raise, I have set out responses to each of your questions below.

What is the current fulfilment rate? How is this measurement made and verified?

The attached bulletin for Language Services was published on the 24th May and provides information on the performance rate by Applied Language Services (ALS) over the period of 30th January 2012 to 30th April 2012. It shows a clear improvement trend over the three month period and the number of complaints has fallen steadily since March. Officials scrutinise the performance on a daily basis, and current performance data shows the trend of steady improvement has continued during May and we are on track to reach the levels required under the contract.

The Ministry of Justice (MoJ) is provided with daily management information (MI) which is taken from information fed into the web based booking portal. The information on the portal is open to scrutiny by the Ministry. Spot checks are undertaken on the MI on a regular basis to ensure accuracy, by specialists from MoJ Procurement Directorate, on behalf of HMCTS. They also undertake the management of the contract.

How many interpreters are now providing services via ALS? How many were providing services under the old arrangements?

The service is constructed on the principle of language coverage. If an interpreter has been approved as holding the required qualifications in a language, then they are counted as a single entity available for work in that language under the contract. This means that if they are qualified in more than one language then each language is counted separately. This gives a figure of almost 3000 interpreters (by language) accepting assignments for Her Majesty's Courts and Tribunal Service (HMCTS) under the MoJ contract with ALS. These interpreters cover a range of 142 languages. This equates to around 1500 individual interpreters providing services under the contract.

As a comparison, at the moment the National Register of Public Service Interpreters (NRPSI) includes a declared total of 2350 interpreters covering 101 languages as of 31 May. It should be noted, however, that under the old arrangements not all NRPSI interpreters undertook work with HMCTS as they did not hold the required qualifications for justice work. The NRPSI also includes interpreters working in other areas of public sector interpreting.

What qualifications are required of interpreters?

ALS have developed a tiered classification, included within the Framework, where an interpreter will be assigned a Tier based on their skill set and qualifications, with a Tier 1 interpreter being the most highly qualified (the required qualifications are set out by Tier at Appendix A) In addition, each hearing is assigned a Tier based on the skills required of the interpreter, with Tier 1 being of the greatest importance/seriousness/priority. The intention is that in all but exceptional cases the Tier of an interpreter and a hearing will be aligned.

Where this is not possible, for example due it being a rare language, a number of safeguards are in place. This is covered below.

What checks are made that those qualifications are held?

ALS conducts a series of checks on interpreter qualifications. In preparation for the contract start date ALS have hosted multiple assessment centres across Britain. The centres, which will continue to run throughout the duration of the contract, have been introduced to allow ALS and the MoJ to gain a greater understanding of the skill set of

the national supplier base. Attending interpreters are asked to complete a number of assessments which mimic the structure of the Chartered Institute of Linguists' Diploma in Public Service Interpreting (DPSI) exam and incorporate practical real-world scenarios. This will ensure that a Tier 1 interpreter, for example, has the appropriate skills that match their qualifications. Key modules include:

- Code of Conduct
- Best Working Practices
- Consecutive Interpreting
- Note Taking
- Simultaneous Interpreting
- Chuchotage (whispered) Interpreting
- Statement Taking
- Written Translation

ALS Assessment Centres provide the setting to complete all identification and academic document checking as well as initialising the appropriate CRB and vetting processes.

Interpreter Workshops

Throughout the life of the contract ALS is also looking to introduce new interpreters to the justice sector with the aim of increasing supply and sustainability, which will in turn improve the service that is available. To ensure that these interpreters are fully prepared Applied Language Solutions are currently running a series of workshops where interpreters are fully briefed and prepared for the settings that they will encounter. The workshops also form a key part of ALS' Interpreter Continuous Professional Development programme, which is designed to improve supplier knowledge and skill sets in line with developments within the justice setting.

Are there circumstances in which those qualifications may be waived?

You asked for an example of a circumstance in which these qualifications might be waived. An example would be where a Tier 1 case required an interpreter in a rare language and for this language there are no formal qualifications, such as the DPSI. In the case of rare languages where the DPSI or equivalent qualification is not available, the interpreter must have the Cambridge Proficiency in English Certificate, or NRPSI registration (rare language category) as well as 100 hours of public sector interpreting experience, evidence of continuous professional development, references and a pass at the assessment centre.

Have the qualifications required of court interpreters changed since the start of the ALS contract?

While the qualification criteria have been widened, by allowing for an increased range of acceptable qualifications and experience than was previously the case, they have not been changed in any way as to diminish the importance of the quality and skills required. In fact, the requirement has been enhanced by the addition of an assessment process, as detailed above, and the requirement for continuous professional development (CPD).

What monitoring of the performance of interpreters is carried out by (a) ALS; and (b) HMCTS?

Interpreter performance is monitored by ALS on a daily basis, together with contract management oversight by specialists from MoJ Procurement Directorate. Information is also provided to senior management officials on a regular basis to further ensure transparency and accountability.

How is feedback from sentencers and other court users obtained and acted upon?

The web based portal allows for general feedback, positive or negative, together with the facility to log a complaint. Any feedback provided from sentencers and other court users should be entered onto the portal by the court in order for it to be reviewed and investigated as part of the complaints process, or recorded as general feedback.

There is a robust complaints process in place which allows for all complaints to be logged against a booking reference on the web based portal. See Appendix B (attached). This allows HMCTS staff to communicate any difficulties as soon as they arise, and to be able to monitor the progress of a complaint.

How many interpreters have been dismissed for underperformance since the start of the contract? How does this compare to the numbers dismissed under the previous arrangements? What actions are taken in cases of inadequate performance?

Recent analysis of feedback and complaints relating to issues with poor performing interpreters resulted in:

- 120 interpreters contacted to take part in the mandatory interpreter workshops scheduled during May.
- 9 interpreters contacted to inform them they will no longer be contacted by ALS for future work – all bookings have been re-assigned.

Under the previous arrangements the interpreters were booked as independent freelance contractors, and the NRPSI is a private company, which does not have to disclose the removal of its members. The MoJ and the justice sector had no jurisdiction or authority to remove them from the NRPSI register. Instances where complaints were raised could take anything up to several months for NRPSI to investigate and throughout that time the individual would continue to receive work from other organisations within the justice sector. This could still impact upon a court as, for example, in the case of overnight remand cases where the police service books the interpreter for the magistrates' court hearing. The total numbers of interpreters struck off the register have never been made available to the MoJ so a definite comparison to the previous arrangements is not possible.

What records do you and/or ALS hold on the number of cases which are adjourned or otherwise postponed as a result of inadequate or non-existent interpretation? Do you have an estimate of the costs incurred as a result of such delays? Are comparable figures available for the pre-ALS contract period?

Unfortunately information on adjournments is not collected centrally by the Ministry of Justice. However adjournments are recorded against each case by individual courts,

but in order to provide the information you are requesting we would need to contact each court, which would be a significant undertaking. However we have a wider measure which we use to monitor the number of adjournments in that we report on the number of cracked trials. These are trials which for a number of reasons are ineffective and have to be relisted.


We have not seen an increase in the number of trials being declared ineffective during the period that the new ALS contract has been in place and I am confident that the short notice bookings system that HMCTS has operated to ensure bookings were filled has played a significant part in minimising the number of adjournments that could have otherwise occurred. It is our intention to remove the temporary short notice booking arrangements shortly, since reliance on it has reduced with the improved performance from ALS.

Regrettably because we have never collected the individual data for each adjournment centrally, we have no overall record of the cost of adjournments which can be solely attributed to problems with interpreter provision.

However, I can confirm that we are in the process of gathering information on the cost of running the short notice booking system, arrangements in order to better understand where improvements may be made within the system.

Going forward, information on complaints will be published as a requirement under the Framework and as an aid to contract management and public transparency.

I hope the information provided is helpful and please do not hesitate to contact me if I can help further.

A handwritten signature in black ink, appearing to read 'Peter Handcock', with a long horizontal flourish extending to the right.

Peter Handcock CBE
Chief Executive, HM Courts & Tribunals Service

APPENDIX A

Quality and Skills Assessment for Interpreters and Translators

Face to Face foreign language interpreters:

Unless otherwise stated the qualification requirements set out for each tier below must be in the language in which the interpreter will be working. Interpreters who wish to interpret in additional languages must meet the qualification criteria in each of those additional languages

Tier One

The interpreter must have one or more of the following:

- Chartered Institute of Linguists Diploma in Public Service Interpreting, DPSI, (English Law Option);
- Chartered Institute of Linguists Certificate in Community Interpreting, CCI (the forerunner to the DPSI);
- Metropolitan Police Test (post 1997) together with either a DPSI (Health or Local Government Option) or an Honours Degree or higher in Interpreting

Or

- Registration with the National Register of Public Service Interpreters (full or interim status);
- Membership of Association of Police and Court Interpreters;
- Membership of the Institute of Translation and Interpreting (Police Court Interpreter level).

Together with (in all cases):

- At least 100 hours public sector interpreting experience;
- References; and
- A pass at the assessment centre to the tier one standard.

Tier Two

The interpreter must have one or more of the following:

- 'Partial DPSI' (English Law option) i.e. the interpreter must have passed all modules with the exception of component 3b (written translation from English);
- A degree in linguistics, English philology, Modern Languages or MA in Teaching of English, or other language related diplomas where English figures as part of the course completed.

Together with (in all cases):

- Previous or current employment in criminal justice services in their countries of origin, legal training in the UK or abroad, or other exposure to criminal justice work through other channels is also acceptable (volunteer and/or paid work in the community for police services or work for Victim Support, for example);
- University level education (any degree);
- At least 100 hours public sector interpreting experience;
- References; and
- A pass at the assessment centre to the tier two standard.

Tier Three

The interpreter must have one or more of the following:

- Demonstrable experience in the public sector with appropriate linguistic background;
- Formalised basic interpreter training including one of the following: the WEA programmes, Bi-Lingual Skills Certificates, Community Level Interpreting Degrees under the NVQ certification system.

Together with

- References; and
- A pass at the assessment centre to the tier three standard

It is also desirable for tier three interpreters to have at least 100 hours public sector interpreting experience.

Rare languages

In the case of rare languages where the DPSI or equivalent qualification is not available, the interpreter must have the Cambridge Proficiency in English Certificate, or NRPSI registration (rare language category) 100 hours of public sector interpreting experience, evidence of continuous professional development, references and a pass at the assessment centre.

Assessment Centre for foreign face to face interpreters

The assessment centre will test for all of the pertinent components involved in delivering interpreting services to the justice organisations. These components essentially mimic the structure of the DPSI exam, (with practical real-world modifications and additions). This will dictate the tier to which the interpreter is first allocated and the starting point for continuous professional development work. The assessment comprises:

Code of Conduct: Scenarios are raised and analysed by interpreters as to the correct professional way to handle potential challenges relating to the code. Their responses are evaluated both orally and in writing.

Working Practices: Interpreter awareness of best professional working practices in relation to the mechanics of the profession and their level of ability in carrying out self-directed learning for further professional growth is assessed orally and in writing to determine their current level of ability.

Consecutive Interpreting: Ability to interpret consecutively is assessed.

Note Taking: Familiarity and capacity for successful note-taking is assessed.

Simultaneous Interpreting: Ability to interpret simultaneously is assessed.

Chuchotage: Ability to carry out chuchotage (or 'whispered') interpreting is assessed.

Statement Taking: Familiarity with police and CPS requirements relating to statement taking and the ability to translate real-world witness statements is assessed in writing.

Written Translation: Conventional written translations (both directions) of the type that interpreters might from time to time be called upon to do are assessed in writing.

Language Service Professionals working with the deaf and deafblind

All Language Service Professionals provided to work with the deaf and deafblind must be registered as members with the National Registers of Communication Professionals working with Deaf and Deafblind people (NRCPD). To that end they will have the following or equivalent qualifications:

British Sign Language:	CACDP Level 6 NVQ in Interpreting (BSL/English) and at least NVQ Level 6 in BSL
Lip Speaking:	CACDP Level 3 Certificate (Lipspeaking)
Speech to Text reporters:	CACDP Level 3 Certificate (Verbatim speech to text reporting)
Deafblind manual:	CACDP Level 3 Certificate (Deafblind manual)
Notetaker (electronic And manual)	CACDP Level 3 Certificate (Notetaking)

Telephone Interpreters

Interpreters must have an internationally recognised qualification such as the Diploma of Public Service Interpreting (DPSI) or affiliation to the National Register Public Service Interpreters, Community Interpreting Certificates or the Police Interpreting Assessment (Metropolitan Police Test). However, regardless of any external qualifications or accreditations, all potential interpreters must successfully pass an internal assessment.

The assessment includes:

- An informational interview about the general terms and conditions of performing telephone interpretation. Candidates are questioned on availability, experience, qualifications and assessed for aptitude and linguistic capability.
- A Language Proficiency Test (LPT), using an interview format to assess the candidates' English language skills.
- A formal test – the Interpreter Skills Assessment (ISA). The ISA is a criterion-referenced bi-directional test given in a realistic setting. The assessment is based around realistic role-play scenarios which replicate real-life situations.

If successful on these assessments interpreters would need to complete induction. This would include the checking of references and qualifications and coverage of professional conduct matters.

Translators

The translator must:

- Be a fully qualified translator with qualified membership status of a relevant professional body (such as the Chartered Institute of Linguists, American Translators Association and Institute of Translation and Interpreting) and/or hold a degree in their source language. They will translate *only* into their native tongue (the target language). NB: The 'target language' is defined as the language *into which* the document is being translated. The 'source language' is the language in which the original document/recording is expressed;
- Have three years verifiable experience as a professional linguist;
- Be able to demonstrate that they have translated a minimum of 100,000 words of similar content to that which they have specified they have a specialism in;

- Have references; and
- Pass an assessment. This comprises translation of a piece of text of 300-500 words. The test piece goes through quality verification process assessed by either an in-house translator or an approved translator with LISA QA metrics.

Any reference to a UK qualification in this document should be taken to include an equivalent qualification awarded in any member state of the European Union where such a qualification exists.

Code of Conduct

Interpreters, translators and language service professionals for the deaf and deafblind must:

- Act with integrity and maintain high standards at all times.
- Be of good character, which may preclude those with certain criminal records.
- Observe absolute confidentiality in relation to every individual assignment unless otherwise required by law or where disclosure is stipulated by the relevant legislation; this duty extends beyond the completion of the individual assignment. Particular regard must also be paid to a client's legal professional privilege arising from legal consultations.
- Not seek to take advantage of any information disclosed during an assignment.
- Comply with current Data Protection legislation.
- Not use any information obtained in the course of an assignment for any purpose other than as authorised.
- Keep safe any document, recordings or media provided during the course of an assignment and ensure that it is not copied and is returned at the end of the assignment. Documents are for the eyes of the translator and authorised staff only, and must not be seen by or shared with anyone else.
- Act impartially at all times and not act in any way that might result in prejudice or preference on grounds of religion or belief, race, politics, gender, gender reassignment, age, sexual orientation or disability other than as obliged to in order to faithfully translate, interpret or otherwise transfer meaning.
- Not give advice, legal or otherwise, to the person for whom they are interpreting, nor enter into discussion with them (other than simple pleasantries and to confirm language/dialect match or preferred means of communication).

- Disclose any conflicts of interest or potential conflicts of interest or other factor which may make it inappropriate for them to accept a particular assignment in relation to each individual assignment.
- Disclose any previous involvement with the case.
- Disclose any relationship with the parties involved in the assignment or their families.
- Disclose any information, including any criminal record, which may make them unsuitable for any particular assignment.
- Undertake assignments only for which they are competent (both linguistically and in terms of specialist knowledge or skills).
- Disclose professional limitations in relation to each individual assignment.
- Always interpret/translate to the best of their ability.
- Decline any reward other than agreed fees.
- Seek to increase their knowledge and skills.
- Not engage in activities which can reasonably be understood as likely to damage the reputation of the profession of translating and interpreting or the justice system.
- Not sub-contract or attempt to sub-contract work to another party without express written consent from the Contractor and the collaborative partner involved in the assignment.

Appendix B Complaint Process

Process

- A complaint should be logged directly onto the portal where it is visible against the booking made.
- ALS receives a daily complaint report where all new complaints are listed.
- The complaint handling team review each complaint and contact the customer to discuss their complaint with them.
- The complaint is categorised and a response is provided by the complaint handler onto the portal (and followed up by letter where appropriate).
- The complaint team provide to management a daily overview of the complaints received and the actions taken.

Investigation

- The types of complaint are varied, but can be categorised as follows:
 1. Interpreter did not arrive
 2. Incorrect duration submitted by interpreter
 3. Interpreter quality (interpreter skills or behaviour in court) issue
 4. Interpreter was late
 5. No interpreter available
 6. Incorrect tier assigned
 7. Operational issue
 8. Portal issue
- Complaint types 1-4 are discussed with the Linguist Relations team who will make contact with the interpreter to find out what has occurred. Depending on the outcome of that conversation, action is taken to deal with the interpreter if required (see mitigation). A determination is made and the complaint is classified as being the interpreters fault or not their fault.
- Complaint types 5-7 are discussed with the Contact Centre Manager who will investigate the complaint in detail and address the specific concerns where appropriate. Number 5 is one of the statistics that guides our interpreter recruitment efforts.
- Complaint type 8 is discussed with the IT team to establish if the issue logged is an unknown IT issue or user error. Depending on the outcome, the IT will fix the IT issue or the Relationship Manager is contacted to discuss the user error with the customer.

Mitigation

- All complaints and complaint types are monitored on a daily basis by a process expert.
- The process expert identifies the root cause of the problem and aims to resolve the root cause of the issue through process improvement. A couple of examples are:
 - CJS workshops to address interpreter behaviour.
 - Review of the finance process, in conjunction with the Finance Director to address incorrect start and finish times being entered.
 - No interpreter available, investigate why to establish if more could have been done to find an interpreter by the assigning team.
- The mitigation process for categories 1-4 is the introduction of the “three strikes and you’re out” process which sees interpreters removed from the ALS supplier list where they consistently deliver a poor performance. Part of this process is the opportunity for them to attend the CJS workshops where they are supported in making them aware of the importance of their role.
- The mitigation process for 5-7 is with the process expert and the Contact Centre Manager who will investigate these complaints and assess if the process can be improved to ensure the complaint need not re-occur. Whilst this is not always possible, the Contact Centre Manager will ensure that the communication process is effective.

Monitoring

- A complaint dashboard is available on a bi-weekly basis tracking the complaint trends to ensure the right focus is given to move trends downwards.
-