



## **PRESS RELEASE**

### **Increased use of unqualified interpreters will backfire**

**24 January 2014**

Professional interpreter organisations are warning that the increased use of unauthorised Tier 3 interpreters in court, whose language skills are below A-level standard, will back-fire, creating delays and wasting tax payers' money.

Every day cases are being delayed or adjourned because Capita, the Ministry of Justice's contractor for its language service contract, is failing to provide suitably qualified court interpreters, including a case this week (23 January) at Kingston Crown Court, adjourned until July because an interpreter requested in June 2013 failed to attend on the first day of the trial.

A National Audit Office 'Progress Update' (published 22 January) on the Ministry of Justice's language services contract says the proportion of Tier 3 interpreters working in courts has increased from 3% in October 2012 to 10% in November 2013. Tier 3 interpreters have basic level training and no formal qualifications. They were used in over 1,400 cases in November. In 2013 the Ministry of Justice improved the contract terms for Capita but its performance targets are still not being met.

Of the 23 courts the National Audit Office questioned who used Tier 3 interpreters, 91% told the National Audit Office they booked them because Capita, the Ministry of Justice's contractor for the service, could not provide the level of interpreter they wanted. Over half said they didn't seek approval from the judge before making the booking.

Geoffrey Buckingham, Chairman, Association of Police and Court Interpreting, said: "The Ministry of Justice should explain why its contractor is using more and more Tier 3 interpreters without informing the courts. I suspect it's because the qualified, professional interpreters are refusing to work for them and will have nothing to do with this Framework Agreement."

In an independent survey at the end of last year, 74% of the 1,172 interpreters who took part said they have not registered with Capita.

Keith Moffitt, Chair, Chartered Institute of Linguists, says: "There are a lot of unanswered questions which this new NAO Report has rightly brought to light, including why only £46,000 in fines has been levied when millions of pounds of wasted court time has been caused."

Figures estimated by Professional Interpreters for Justice for the thousands of court case delays show that over £17 million pounds of tax payers' money has been lost through failed trials and wasted court time since the contract began.

Paul Wilson, chief executive of the Institute of Translation and Interpreting, says: "I'd like to know how many sub-contractors Capita is using and what checks are being made on the quality of interpreters they are providing. Also why there is no independent scrutiny. The Ministry of Justice is relying on data provided by its contractor."

Professional Interpreters for Justice is also urging the Public Accounts Committee on 27 January to question the stated 'savings' of £15 million when the costs of delayed cases have not been considered. Ann Beasley and Peter Handcock will answer questions on behalf of the Ministry of Justice.

## **Ends**

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See [www.linguistlounge.org](http://www.linguistlounge.org) for commentary and updates.

Follow @United4Justice on Twitter.

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## NOTES TO EDITORS

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

**The National Audit Office ‘progress update’ report can be found here:**

<http://www.nao.org.uk/report/the-ministry-of-justices-contract-for-language-services-progress-update/>

### Survey

A survey of 1,172 interpreters was commissioned by umbrella group Professional Interpreters for Justice (PI4J) and carried out by Involvis between 10<sup>th</sup> and 20<sup>th</sup> 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

### **Estimates of wasted taxpayers’ money**

It costs approximately £10,000 per day for a Crown Court trial and approximately £1,600 per day for a magistrates' trial or tribunal.

To reach a sensible estimate of wasted taxpayers' money, a range of official published information on ineffective trials and numbers of recorded complaints has been considered.

There are also two substantial Dossiers of Evidence which have been collected and compiled on behalf of Professional Interpreters for Justice since the Framework Agreement came into effect on 30 January 2012.

**Not included** in these estimates are the custodial time for additional remands in prison and the additional transport costs for bringing defendants to court on repeated occasions.

**1. 2012 official statistics reveal 608 trials in Magistrates Courts and 34 Crown Court trials were recorded as ineffective in 2012 as a result of interpreters not being available.** <https://www.gov.uk/government/publications/court-statistics-quarterly-tables>

See tables 3.4 and 3.6

a. Costs of 608 Magistrates Court trials which failed @ £1,600 each	<b>£972,800</b>
b. Costs of 34 Crown Court trials which failed @£10,000 each	<b><u>£340,000</u></b>
<b>Sub-total:</b>	<b>£1,312,800</b>

**2. The Ministry of Justice's Statistics Bulletin: Quarterly Update to June 2013**  
**9,800 published complaints to date.** See Notes to Editors.

There is no published breakdown for which trials these relate to so we have made a conservative estimate of £1,600 in wasted court time for each one i.e. the equivalent of 1 day in a Magistrates' court.

a. 9,800 complaints from 30 January 2012 to 30 June 2013	
i. 5,697 of these relate to 2012 @ £1,600	<b>£9,115,200</b>
ii. 4,107 in first two quarters of 2013 @ £1,600	<b><u>£6,571,200</u></b>
<b>Sub-total:</b>	<b>£15,686,400</b>

**3. Dossiers of evidence published by Professional Interpreters for Justice**

We have to date calculated 366.5 days of wasted court time since the FWA began (241.5 days in 2012 and 125 days to date in 2013)

- a. 30 January 2012 – 29 January 2013

<ul style="list-style-type: none"> <li>i. Approx. 720 logged incidences amounting to 241.5 days of wasted court time @ £1,600</li> </ul>	<b>£386,400</b>
<ul style="list-style-type: none"> <li>b. 30 January 2013 – mid November 2013           <ul style="list-style-type: none"> <li>i. Approx. 270 logged incidences amounting to 125 days of wasted court time @ £1,600</li> </ul> </li> </ul>	<b><u>£200,000</u></b>
	<b>£586,400</b>

## **TOTAL ESTIMATES OF WASTED COURT TIME AND COSTS**

### **2012**

Ineffective trials	£1,312,800
5,697 complaints	£9,115,200
Dossier evidence	£386,400
<b>2012 total:</b>	<b>£10,814,400</b>

### **2013**

Ineffective trials	not yet published
4,107 complaints	£6,571,200 (January to June 2013 i.e. first two quarters)
Dossier evidence	£200,000
<b>2013 total to date:</b>	<b>£6,771,200 (as at mid-November)</b>

**OVERALL TOTAL: £17,585,600 (as at mid-November)**

**Alternative more conservative estimation:** if the Dossier evidence calculations are removed (as they may be construed as overlapping with the official complaints) then the estimates are as follows:

2012	£10.4 million
2013	£6.5 million
<b>Total to date</b>	<b>£16.9 million conservative estimate</b>

## **NOTES TO EDITORS**

Caseload statistics for criminal, civil and family courts and tribunals can be accessed in the **Court Statistics Quarterly** and **Quarterly Statistics bulletins**, both published on the Ministry of Justice Website.

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See tables 3.4 and 3.6