



5 August 2012

Detective Superintendent Gary Smith
Director of Criminal Justice
Crime & Criminal Justice
Bournemouth Divisional Headquarters
Dorset, BH1 1QQ

By e-mail to custody-support@dorset.pnn.police.uk

Dear Detective Superintendent Smith,

Interpreting services consultation

These submissions in relation to your current review of language service provision are made on behalf of the following representative bodies which are partners in the Professional Interpreters for Justice Campaign:

- Association of Police and Court Interpreters (APCI)
- Institute of Translation and Interpreting (ITI)
- National Register of Public Service Interpreters (NRPSI)
- National Union of Professional Interpreters and Translators (NUPIT) /UNITE the Union
- Professional Interpreters' Alliance (PIA)
- Society of Official Metropolitan Interpreters (SOMI UK)
- Society for Public Service Interpreting (SPSI)

Additionally, the Chartered Institute of Linguists (CIoL) is a participant in the Campaign's Steering Committee as an observer.

Our considered view is that the Ministry of Justice (MoJ) Framework Agreement will not adequately meet the needs of the police service because (i) it is not capable of providing a consistent, effective service; (ii) it will not deliver the promised savings and interpreter services and; (iii) it will not provide the quality of service required by the National Agreement.

Standards for interpreters used in the Criminal Justice System were set by the National Agreement (NA) ¹ in 1999 after a serious miscarriage of justice caused by the use of unqualified interpreters. The NA is a safeguard to basic human rights and was put in place following the recommendations of Lord Justice Auld in order to ensure the right to a fair trial. It requires spoken language interpreters to be registered on the National Register of Public Service Interpreters (NRPSI) ² and to have full qualifications and experience before they can be used in the criminal justice arena. It also requires interpreters to be vetted by Police Forces to ACPO standards and they are bound by a strict Code of Conduct.

The benefits to which you refer in your letter are readily available through a number of alternative arrangements currently being utilised very successfully by other constabularies.

(See below 'Alternative solutions')

The plethora of articles which have appeared in the media regarding the chaos visited upon the Courts and some Constabularies by the MoJ's sole contractor **Applied Language Solutions (ALS)** since 30 January 2012 describe what is happening in practice.

We refer you to the **RPSI Linguist Lounge**³ and **Collected News Reports**³ websites, as well as the attached files '**Media Coverage**' and our '**Dossier of Evidence**' for a quick reference to the long list of examples of ALS failures.

The MoJ released figures⁴ in May 2012 showing there had been 2,232 complaints about language services provided by ALS since the beginning of the contract in early February.

This outsourced contract bears all the same hallmarks as that for Olympics security currently hitting the headlines. It is consistently failing to meet the terms of its contract agreement which the professional interpreter bodies have refused to be a part of from the start.

ALS cannot recruit qualified and experienced interpreters in sufficient numbers, leading to inadequate quality of the service offered, added to poor management and accountability.

Justice Minister Crispin Blunt has been forced to admit from the outset that implementation of the contract has caused 'unacceptable disruption' (*The Times*, 24 February 2012⁵) and Justice Minister Lord McNally has recently confirmed that 'it is unlikely to achieve any savings in its first year' (House of Lords, 9 July 2012⁶).

The Government's **Justice Select Committee (JSC)**⁷ has launched an inquiry into the MoJ's contract on 18 July. The angle of this inquiry is the delivery of justice. Parallel to this is another inquiry is being conducted by the **National Audit Office (NAO)**⁸ which has issued Terms of Reference for a formal investigation into the MoJ's Framework Agreement with ALS as requested by Margaret Hodge, Chairman of the Public Accounts Committee, during which they will be looking closely at the procurement process that the MoJ followed prior to implementation of the FWA. The **Information Commissioner's Office (ICO)** is also dealing with a complaint regarding the misuse of interpreters' data by ALS.

All this confirms that Applied Language Solutions has not helped the MoJ achieve its aims, nor will it help the Police.

We further draw your attention to the following facts regarding quality and efficiency savings.

i Quality of Service

ALS does not have enough interpreters on its books to service its existing obligations, and a large proportion of those it does have are unqualified, inexperienced, untested and unvetted.

The vast majority of professional legal interpreters on the NRPSI have refused to work for ALS, since, apart from the derisory terms and conditions on offer, they reject the apparent contempt for standards and quality shown by the agency.

In fact, a letter from Crispin Blunt MP to John Leech MP¹⁰, dated 13 July 2012, confirms that 87% of NRPSI interpreters have not signed up to ALS.

During a debate in the House of Lords⁴ on 'EU: Interpretation and Translation in Criminal Proceedings' on 9 July, Baroness Coussins expressed concern that data on contract performance was provided by the contractor 'without any independent verification or audit' and tells a 'very different story from the complaints we hear daily from judges and others about the failure to provide interpreters or the sending of unqualified, inexperienced people.'

The 'ALS assessment' ⁹ designed at Middlesex University was explicitly NOT intended to mimic or replace the DPSI examination, but delivered solely as an in-service performance check, providing only a diagnostic check (not a pass or fail result). Many ALS registrants have not even been through this assessment.

The MoJ would have you believe that these are simply 'teething problems' linked to the implementation of the contract, but we would advise you that they are not.

We submit that outsourcing to ALS will lead to an immediate drop in the availability of interpreters and in the quality of interpreting available to you, which may place you in breach of your obligations under the Police and Criminal Evidence Act 1984; the Human Rights Act 1998 / Articles 5 and 6 of the European Convention on Human Rights; and Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings.

ii Financial savings

The Government has been forced to admit that implementation of the contract is not going to save the taxpayers the £18 million originally projected or the revised figure of £12 million.

ALS has continuously failed to provide reliable interpreting services to the courts and Police, resulting in massive shortages of interpreters which have not only caused disruptions and delays, but have also caused foreign crime suspects to be released from police custody before questioning¹¹.

The additional costs of keeping defendants in custody, postponed and abandoned trials have soared to the point where the vaunted annual savings have been completely wiped out.

In the debate in the House of Lords on 9 July Lady Butler-Sloss, a retired judge, asked Lord McNally: "Are you aware of the extent of disruption and delay to criminal trials as a result of serious inaccuracies of court interpreting, which is not only leading to very considerable cost but also concerns have been raised by judges across the country, particularly in London, in Birmingham and in Leeds?" Lord McNally did not deny this.

A force which outsourced its interpreting (Bedfordshire) found that its first year expenditure was 100% over budget and is now considering a return to a managed resource model.

iii Alternative solutions

Hampshire Police announced on 22 July 2012 that it will not switch to ALS for interpreters.

Jo Rowland, head of custody and criminal justice for the force, said: "The situation is that Hampshire Constabulary's interpreting services are sourced in-house using the NRPSI Register." Their comments came after a local newspaper revealed yet another ALS fiasco at a murder trial at Winchester Crown Court which had to be halted because of a problem with an unqualified interpreter¹².

Interpreters are used by the police services for essential communication with the public, 95% of which is of an evidential nature for victims, witnesses and suspects and so is required to be of the highest standards. Failure to achieve the required standard will result in increased risks of, at the very least, unacceptable delays in justice and at worst, miscarriages of justice. Either way it will be accompanied by increased costs (e.g. keeping people in custody) and reductions in public confidence and satisfaction.

With this in mind, we invite you to consider alternative solutions such as those mentioned below:

1. The Metropolitan Police Service has also opted out of the Framework Agreement and has made substantial savings ¹² through the introduction of their Language Programme and by managing their system more efficiently without the need for cutting interpreters' rates. There is a not-for-profit system to book and pay interpreters with a proper auditing trail and statistics and, crucially, they have involved interpreters throughout and continue to hold regular consultative meetings with the representative body, SOMI UK, in order to address all matters of concern.
2. Cambridgeshire Police has resisted the pressure to outsource interpreting and has been able to produce year-on-year savings on interpreting costs of 42% and reduce the average cost per assignment from £250 to £120. This was achieved by means of careful cost management and efficiency savings. The force enjoys an excellent relationship with its interpreters and is not plagued by availability problems.
3. The Welsh forces have also been able to achieve savings of between 30% and 50% by working with the Wales Interpretation and Translation Service (WITS), which has its own 24/7 call centre and handles all financial administration. Its interpreters are security vetted to police standards and receive free CPD. WITS also has an excellent relationship with its interpreters and no availability concerns. Here, a managed service is providing the same benefits the MoJ hoped to introduce, but it is achieved without using an external commercial supplier.

The above models are already delivering to the police forces all the benefits which the MoJ Framework Agreement claims to deliver, whilst at the same time maintaining high standards by using qualified professional interpreters in line with the National Agreement.

In conclusion, we consider that the MoJ's chosen service provider is unable to meet the needs of the communities you serve, and until such time as there is a realistic prospect of it being able to do so, we urge you not to take the step of signing up to this contract.

This Framework Agreement has already caused massive problems in the UK courts since it was rolled out in February 2012. This situation must not be extended to the police forces.

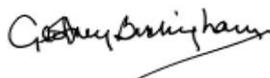
Yours sincerely,

[Professional Interpreters for Justice](#)

Six professional interpreters' organisations, representing 2,350 registered public service interpreters in 101 languages, and the profession's regulatory body NRPSI are united in the Professional Interpreters for Justice Campaign.

The campaign's three aims are to:

- Reverse the outsourcing to ALS or other commercial agencies, and the reintroduction of direct employment of freelance interpreters by the courts and police services
- Establish regular dialogue between interpreter organisations and government
- Persuade government to provide statutory regulation of the interpreting profession and protection of the title of Legal Interpreter.



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Specific links for further information

- 1) [National Agreement on the Use of Interpreters \(NA\)](#)
- 2) [National Register of Public Service Interpreters \(NRPSI\)](#)
- 3) [RPSI Linguist Lounge](#) and [Collected News Reports](#)
- 4) *Law Society Gazette*, Thursday 31 May 2012
['Self-serving' interpreter figures slammed](#)
- 5) *The Times*, Friday 24 February 2012,
<http://www.thetimes.co.uk/tto/news/article3330180.ece>
- 6) *Parliament*, 9 July 2012
[House of Lords debate EU: Interpretation and Translation in Criminal Proceedings](#)
- 7) *Parliament Commons Justice Select Committee*, Wednesday 18 July 2012
[New Inquiry: Interpretation and Translation services and the Applied Language Solutions contract](#)

8) *The Guardian*, Friday 20 July 2012

[MPs to investigate 'underperforming' firm awarded £300m court monopoly](#)

The way in which a private contractor was awarded a £300m monopoly of court interpreting services throughout England and Wales and the firm's "underperformance" are to be investigated by MPs. The **House of Commons justice select committee** has called for evidence about difficulties that have emerged since Applied Language Solutions (ALS), an Oldham-based company, took over responsibility for the work in February. ALS was acquired by the public-service provider Capita after winning the contract but there have been **complaints from lawyers, magistrates and judges about the service**. The **National Audit Office** also said it was "looking into the matter" following requests from parliament's influential public accounts committee. Court cases have repeatedly been cancelled, while **hundreds of professional interpreters have boycotted the new contract** because they refuse to work for reduced rates and lower travel expenses.

9) *Law Gazette comments*, Tuesday 6 March 2012

[ALS assessment designed by Middlesex University](#)

10) *RPSI Linguist Lounge*, Letter from Crispin Blunt MP to John Leech MP

[ALS database shows they have only 13% of NRPSI interpreters](#)

The Guardian, Friday 2 March 2012

[Interpreters stay away from courts in protest at privatised contract](#)

11) *The Daily Mail Online*, 3 March 2012

[Foreign suspects are being released from police custody due to lack of interpreters](#)

12) *The Daily Echo*, 22 July 2012

[Hampshire police insists it won't use Applied Language Solutions for interpreters](#)

13) *MPS FOI*, September 2011, Expenditure on Interpreters and Translators for the past 7 years

[Metropolitan Police Service opted out of the Framework Agreement](#)