

**240930 Submission from the
National Register of Public Service Interpreters Limited**

On behalf of:

- **National Register of Public Service Interpreters**
Launched in 1994 at the behest of the Runciman Royal Commission
- **National Register of Public Service Translators**
Launched in 2024 at the behest of professional practitioners

Scope and Scale of the Submission

Thanks to the House of Lords Public Services Committee which has launched a short inquiry into Interpreting and Translation Services in the Courts, with NRPSI's submission summarised in Appendix 4.0 on page 15.

The Committee is inviting relevant stakeholders to submit written evidence by 30 September 2024.

The Committee is seeking evidence in response to the following questions. It is not necessary to answer all the questions. Short submissions are preferred. A submission longer than six pages should include a one-page summary.

- 1) To what extent do the current interpreting and translation services provided in courts meet the needs of those involved in proceedings, including defendants, witnesses, prosecutors and legal professionals?
 - I. How have interpreting and translation services changed in recent years?
- 2) What are the key issues in the provision of interpreting and translation services and what impact do they have on the running of the courts, public trust, interpreters and translators.
 - I. Are there data on the number of miscarriages of justice due to ITS error?
- 3) Are the required qualifications and experience of interpreting and translation services in the courts consistent?
 - I. Are the recommended requirements standardised across all governing bodies, contractors, and institutions?
 - II. Are the current requirements fit for purpose?
- 4) What quality assurance and complaints procedures are in place in relation to interpreting and translation services in the courts?
 - I. How easy is it for people to report or submit a complaint?
 - II. What data exists on the number and types of complaints made?
- 5) How easy is it to recruit and retain skilled interpreters and translators to work in the courts?
 - I. What opportunities, barriers and pitfalls exist and how might these be addressed?
- 6) What is the potential role of new technology (such as artificial intelligence, machine translation and the digitisation of court proceedings) in the future of interpreting or translation services in the courts?
 - I. Would adoption of this technology in the courts be an appropriate use?
 - II. What tools already are already in use in ITS, what form do they take and in what situations are they used? III. Is the current and future ITS workforce being prepared to work with technology? If so, how?
- 7) What is the current capability and accuracy of market leading artificial intelligence and machine translation tools in relation to ITS?
 - I. How does this vary between languages (e.g. low resource languages or languages with relatively few written language samples), interpreting (speech to text) and translation (text to text)?
 - II. What capability do these tools have to deal with dialects, nuance and colloquial use of language?

See: <https://committees.parliament.uk/call-for-evidence/3437/>

Written submission form available at: <https://committees.parliament.uk/call-for-evidence/3437/>

Introductory Summary

1: This submission from the National Register of Public Service Interpreters Limited (NRPSI) covers a range of improvements, suggested to correct current operational issues and more importantly create new approaches to tackle historical issues, enhancing delivery for the benefit of those communities, where communicating with the courts is difficult due to lack of English skills; defendants and witnesses. These enhancements will also lead to benefits for judges, prosecutors and other legal professionals as well as language service practitioners delivering interpreting and translation services (ITS).

2: Focusing on the Level 6 vocational qualification default, with 400 hours evidenced experience, ensuring independently regulated and registered qualified professionals are prioritised is the key enhancement which would improve MoJ language service delivery. The MoJ needs to prioritise the use of qualified and experienced, independently regulated and registered professionals and recognise the need for protection of title and independent regulation for court interpreters. Defining appropriate qualification and experience requirements for complex interpreting and translation engagements within the courts is vital to protect the public from poor language services. Then policing these standards demands independent regulation to protect the quality and level needed to deliver effective language services. Such an approach will promote a sustainable supply chain of skilled professionals, as long as remuneration, terms, conditions and treatment of these professionals is addressed. The current approach by the MoJ fails to do this, allowing under qualified and untrained individuals to act in court settings. The MoJ has proposals, to be implemented in October 2025, which are certainly an improvement on current practices but these do not go far enough.

3: Making immediate operational changes, creating an ITS system in which professional, qualified and independently regulated interpreters and translators can work in fair and sustainable conditions for the benefit of all parties involved in court proceedings, benefiting the public and the public-purse, is the second most important issue to be addressed. The immediate and necessary changes to the current system is a long list but that is because there is much which needs to be addressed. See Appendix 1.0 for a granular review with suggested speedily implemented improvements.

4: Given the poor history in MoJ language services outsourcing, there is a need to review the reintroduction of insourcing in light of this poor twelve-year performance. This autumn, we believe the MoJ is launching a request for tender for the October 2025 launch of the new language services framework. NRPSI advocates that the House of Lords ensures there is a public review of insourcing as an alternative before the end of 2024. Indeed, the London Metropolitan Police Service has an insourced engagement department, which has been described as an 'exemplar' in the public sector. There are many highly qualified and experienced interpreters who are disenchanted by the way in which commercial agencies have operated, and the lack of any independent regulatory oversight of these agencies. Recognising the consultative process and collaborative approach with stakeholders has already proved valuable, prior to implementation of the new October 2025 proposals, let all stakeholders consult regarding the failures of outsourcing and review insourcing, to protect the current pool of interpreters and to encourage a vibrant pipeline of new talent.

1. To what extent do the current interpreting and translation services provided in courts meet the needs of those involved in proceedings, including defendants, witnesses, prosecutors and legal professionals?

I. How have interpreting and translation services changed in recent years?

5: According to NRPSI Limited, the not-for-profit independent regulator and register of professional public sector language service practitioners, ITS in HMCTS and Ministry of Justice (MoJ) settings does not meet the needs of those working in these environments and certainly puts defendants at risk of miscarriages of justice.

6: This view by NRPSI is supported by the many professional stakeholder organisations which meet under the Professional Interpreters for Justice (PI4J) banner, listed in the *‘Working Together’* document.

7: Interestingly there are some legal professionals and civil servants who do not agree, but they are not language specialists and are untrained and thus ill-informed to make judgements on whether language services delivery in the complexity of most court environments is currently fit for purpose.

8: The MoJ surrendered control of the language services ecosystem in 2012 to commercial agencies rather than continuing with the insourced approach, which had worked effectively via the *‘National Agreement’*. The courts have witnessed standards in ITS dissolve, where those who had not yet qualified for a Level 1 vocational qualification could, up to just two years ago, act as an interpreter in bail hearings, first hearings and case management sessions. Today, even those with a language degree but absolutely no vocational training or qualifications, can act as an interpreter in the courts given the terms of the current framework, which has been operating since 2012.

9: The very fact that the recent 2023 independent review’s findings and suggestions have been accepted and the proposals for change are to be implemented in October 2025, but still liable to change, explicitly indicates NRPSI’s opinion has been accepted by the MoJ.

10: To understand the nature of changes since the introduction of outsourcing demands focus on what has occurred over the last 12 years. Recommendations to avoid outsourcing were sent to the MoJ by many stakeholders committed to maintain standards in language services. It was predicted that failing to accept such recommendations would lead to a profession-wide crisis in both the quality of language services for users in the courts and in the conditions for interpreters and translators. Unfortunately, the services were outsourced from that year to a company which has since failed, to then yet another commercial entity which again failed and whose assets were sold-on by its owners. And, since 2016, the commercial agency called The Big Word (tbw) has been managing ITS in the courts. The profession’s fears in 2012 were that the extent of linguistic competency needed for complex roles in the courts and the level of education necessary for an individual to be an effective court interpreter would be seriously misunderstood and misrepresented by the MoJ and its commercially orientated agencies; such fears have been validated over these last 12 years.

2) What are the key issues in the provision of interpreting and translation services and what impact do they have on the running of the courts, public trust, interpreters and translators.

I. Are there data on the number of miscarriages of justice due to ITS error?

11: With regard to the key issues in the provision of interpreting and translation services and how these are managed by the MoJ, and thus their impact on interpreters and translators, those who are professionally qualified with evidenced experience and who are independently regulated and registered language specialists engaged by the courts believe they are treated badly by both the MoJ and its appointed agents. The current industrial action is evidence of the strength of feeling of those working in the courts as interpreters. Only the MoJ has data to add understanding to court disturbances and miscarriages of justice.

12: Perhaps the liquidation of Debonair in 2019 captures the key issue of lack of recognition of interpreters' standing. Interpreters were contracted by this firm to work in MoJ settings via tbw but received no payment. Debonair was liquidated owing many interpreters thousands of pounds; the MoJ received their service, tbw received its payment, but the interpreters who actually provided the language service did not receive a penny. Such a situation damages trust and linked with all the operational issues listed in Appendix 1.0, creates a situation where it is difficult for professional practitioners to justify taking court engagements.

13: The impact of this on the running of the courts is difficult to quantify but what is clear is the increase in number of courts visiting the National Register's website directly, searching for Registrants to fulfil off-contract engagements; in August 2024 website visitors grew by 20 per cent year on year. Anecdotally we are aware of many courts scrabbling around to find someone to act as an interpreter.

14: Lord Auld's 2001 Report on the Review of Criminal Justice System is a valuable resource to understand these key issues in the provision of interpreting and translation services and, notwithstanding technological developments over time, his recommendations have stood the test of time. Not only did he praise the launch of NRPSI as a tool for the courts to make use of, but he even suggested that were commercial agencies to be involved, they should rely exclusively on the practitioners who have been independently registered and regulated; see Appendix 2.0 for a summary of Lord Auld's findings.

15: As stated by an experienced professional public service language specialist who has two level 6 vocational qualifications (a DPSI [Law] and a DPSI [Health]) and a DIPTrans (a Masters Level 7 translation qualification): *'From the start, the agencies tasked with providing ITS to the justice system have routinely used unqualified, untrained bilingual individuals, some of whom cannot even repeat the oath in English, let alone interpret simultaneously for a defendant or consecutively for a witness. As a tutor delivering interpreter training at Level 3 Community Interpreting since 2009, I have met people who have registered for the course and are already working in Court ...they lack the language skills, have not studied the UK Justice system nor compiled and learned a specialised legal glossary in both languages – crucially, they have not been tested as to their fitness to practice by an accredited, respected institution.'*

3) Are the required qualifications and experience of interpreting and translation services in the courts consistent?

I. Are the recommended requirements standardised across all governing bodies, contractors, and institutions?

II. Are the current requirements fit for purpose?

16: As already discussed, and as outlined in the detailed review of operational issues in Appendix 1.0, the current requirements for qualifications and experience of interpreters and translators delivering services in the courts is lamentable. Given the independent review published in 2023 which we have already discussed, it is clear from the findings that the current system, in place still today and until October 2025, is not fit for purpose. Only this month we have seen a letter from Heidi Alexander, MP and Minister of State, addressed to Kerry McCarthy MP, dated 12th September 2024, stating: *“We hold all our providers rigorously to account for their performance, which is why we set out a clearly defined list of qualifications, skills, experience and vetting requirements interpreters must meet”*. As we know, the current framework allows those without any vocational or professional qualifications to act as public service interpreters in the courts, from those with language degrees to those with linguistic and philology degrees and those with lower grade, A level equivalent and lower, vocational qualifications. Until only recently, people who had *enrolled* on a level 1 course could act as an interpreter in bail hearings, first hearings and case management sessions.

17: The 2023 review is suggesting at least a default of level 6 vocational qualifications and if implemented and delivered, this will be a quantum leap forward in terms of quality of interpreters engaged by the courts. Sadly, the October 2025 proposals state only 200 hours experience. This halves the experience needed to become a Registered Public Service Interpreter, regulated by NRPSI. Interestingly, it is also only half of what is required by the Police Approved Interpreter and Translator scheme (PAIT). NRPSI’s standards on qualifications and experience requirements are indeed linked with the police.

18: We further submit it is time for the MoJ to recognise the value of independent regulation and registration of specialist practitioners; time to return to what was suggested by Lord Auld in 2001; rely exclusively on practitioners’ who have been independently registered and regulated.

4) What quality assurance and complaints procedures are in place in relation to interpreting and translation services in the courts?

I. How easy is it for people to report or submit a complaint?

II. What data exists on the number and types of complaints made?

19: When reviewing Lot 4 Quality Assurance delivery, it is important to focus on whether or not the creation of the list of interpreters used by the MoJ and its commercial agencies was based on effective selection, and is there an independent complaints procedure. Is there actually a case for such an expensive and failing, inadequate monitoring system?

20: These are the specific issues in the current delivery of the quality assurance contract to be addressed:

- The company contracted to handle quality assurance is not a specialised, not-for-profit organisation, with specific and necessary assessment credentials
- The selection-criteria of assessors is opaque; needs clarification of required training, qualifications and relevant experience in both public sector interpreting and in assessing others' delivery
- There is a need for a review of companies which have been subcontracted to by the main contractor and how this system is being regulated
- Assessments are delivered in 'Word document' format, which leaves them open to being easily amended
- Assessment observation-records by those contracted to carry out assessments are not point based assessments but are based on 'Minor', 'Major' and 'Critical' criteria for observed errors needing improvement, but the scoring of overall performance is carried out by the contracted company – not the assessor. Surely the assessor ought to complete the assessment as they are supposedly trained and qualified in assessing court interpreters
- Quality assurance delivery contractors assess unqualified and under-qualified pseudo interpreters who do not have level 6 vocational qualifications and have not yet evidenced 400 hours of relevant experience, approving these inadequate practitioners on to the MoJ list, furthering the poor quality of interpreting services in the courts
- The volume of assessments and the nature of these assessments (for instance how many are in: crown court; magistrate courts; prison phone calls) needs review; this information needs to be in the public domain
- While still operating this Lot 4 system, we must at the very least ensure practitioners have the right of appeal against a negative Lot 4 assessment *prior* to making a decision which removes the practitioners right to work. This will give the practitioner the chance to defend themselves and enjoy the protection of the principles of natural justice.
- See Appendix 3.0 for two personal examples of issues caused by poor quality assurance

5) How easy is it to recruit and retain skilled interpreters and translators to work in the courts?

I. What opportunities, barriers and pitfalls exist and how might these be addressed?

21: Were remuneration, terms and conditions recognised as being fair, were it recognised that public service interpreting in the courts was a respected profession with statutory protection of title and was the voluntary regulator and register recognised by the courts, with an insourced management system rather than contracted out to commercial agencies, then recruitment and retention would be much easier than it is today.

22: Key opportunities are respectful handling of professional practitioners, respectful handling of the profession's regulator and register and removal of profit driven agencies from the ecosystem. Barriers are evident given the current state of public service interpreting and translation in the courts, caused by a currently poorly designed framework and lack of regulation controlling the flow of public funds. The greatest pitfall would be to not insist on a public discussion this autumn about the different benefits and negatives between insourcing and outsourcing.

6) What is the potential role of new technology (such as artificial intelligence, machine translation and the digitisation of court proceedings) in the future of interpreting or translation services in the courts?

I. Would adoption of this technology in the courts be an appropriate use?

II. What tools already are already in use in ITS, what form do they take and in what situations are they used? III. Is the current and future ITS workforce being prepared to work with technology? If so, how?

7) What is the current capability and accuracy of market leading artificial intelligence and machine translation tools in relation to ITS?

I. How does this vary between languages (e.g. low resource languages or languages with relatively few written language samples), interpreting (speech to text) and translation (text to text)?

II. What capability do these tools have to deal with dialects, nuance and colloquial use of language?

23: NRPSI's view is that professional human interpreters in the courts can never be replaced by AI, which is not capable of detecting nuance, rendering idiomatic expressions, handling dialect or manage colloquialisms; and this will undoubtedly be the case in the near future. AI does not currently have the capability to deploy any emotional intelligence, it does not yet take context into account and cannot at the moment cope with idiom, nor can it critically intervene as it stands in real time to pick up on, clarify or correct misunderstandings; to intervene self-critically in the interpreting process in the way a trained, qualified, experienced, independently regulated and registered professional human interpreter does.

24: However, IT and technological developments must be always considered as tools to increase both effectiveness and efficiency, but not to the detriment of current working systems. We need do nothing more than explore the experiences of those who have been at the wrong end of the disturbances in the ecosystem over the last few months caused by a badly delivered, poorly conceived and ineptly delivered new IT system by the current outsourced commercial incumbent of the MoJ's approach to managing ITS. This needs a separate review and inquiry.

25: As already discussed, remote (online) interpreting protocols and the use of tour guide systems in some courts were introduced without consultation and trials of the system, yet these modes of working have a severe impact on interpreters' health and welfare; these all need to be explored with interpreters.

26: No consideration seems to have been given to:

- The actual working practices of interpreters and what they need in order to work effectively
- Interpreters' occupational health
- The quality of the incoming audio feed which interpreters require in order to do their work
- Minimum standards for technological hardware and sound quality
- Any existing minimum standards for remote interpreting and audio equipment and sound quality published by interpreter organisations
- Any measures to prevent hearing damage and voice strain

Appendix 1.0: Immediate operational issues to be addressed

1.1: Operate the current framework, due to be closed down in September 2025, as fairly as possible

- Treat engaged public service interpreters and translators as professionals when they arrive to work at courts and tribunals; halt the practice of making language specialists having to queue with the public, often delaying the start of a day's work at the courts
- Accept qualification and experience of those checked by voluntary regulators; NRPSI's standards and protocols need to be accepted - as they are by the London Met and followed by other police services through the PAIT scheme
- Pay 'off-contract' invoices on time; many engagements are currently engaged 'off-contract' and there are numerous instances of interpreters not receiving payment on due dates
- Do not accept the practice of 'Zero-rating' of invoices by contracted commercial agencies; reducing payments by pennies which soon build up in to improved profits within an agency's accounting
- Ensure data of those on the MoJ list is not sent overseas for processing by call centre and compliance departments of contracted commercial agencies based off shore
- Remove as soon as is practicable patently inappropriate qualifications from the current framework, such as Degree in Philology and Degree in Linguistics
- Currently, in mid-September 2024, there is widespread concern about tbw's newly introduced system as of 3rd June causing distress for many interpreters given lack of work and loss of earnings; solve the problems as soon as possible

1.2: Build-in fair and equitable interpreter and translator fees at framework level

Define and action interpreter and translator fees at framework level ensuring fair and equitable remuneration for interpreters and translators working in MoJ settings. Many interpreters who were operating 2008 will recall fee levels at £30 an hour. Were this sum increased by 5 per cent each year, payment per hour would now stand at £65 an hour; a not unreasonable sum for someone who has, as a minimum, a degree level vocational qualification and at least 400 hours evidenced experience, which has been the NRPSI standard for Registrants since inception. The race to the bottom in terms of payment to interpreters by commercial agencies handling public money is matched by the race to the bottom of the quality of many of the interpreters allowed to operate in the courts

1.3: Increase contractual transparency on rates to interpreters and translators

- Increase transparency on 'pass-through' rates to interpreters and translators, and setting adequate and acceptable rates of remuneration for interpreters and translators at framework and contract level – essentially linked to protecting the careers of professionals and meeting the cost-of-living issues for interpreters and translators
- Review practices and current fees around travel time and travel cost compensation
- Review practices and current fees around travel time and travel cost, subsistence, and accommodation, where necessary, ensures that interpreter and translator remuneration does not get eroded by rising travel costs, and that compensation for travel time is commensurate with the type and duration of the assignment

1.4: Implement minimum assignment duration/charges to match resource allocation

Implementing minimum assignment duration and charge mechanisms at a level matching the required allocation of time and linguist resources ensures that the overall take-home compensation for in-person assignments is at an adequate level

1.5: Ensure cancellation policies are fair and transparent across the supply chain

In the event of assignment cancellations, ensure compensation is fair, adequate, and commensurate to the cancellation notice and length of assignment.

Collaboration between language services stakeholders in building transparent pathways into interpreter and translator professions promotes entry of new professionals into the interpreting and translation professions and supports career progression within the profession

1.6: Implementation of the proposed new MoJ framework for language services as soon as is practicable

Ideally ensure language services are insourced as of October 2025 but whatever method is taken, ensure the new approved approach, due to come in to operation next year, delivers on the default of Level 6 vocational qualifications for public service interpreters and translators. Also demand evidenced experience of 400 hours, not 200 hours, as defined in the draft framework. This amendment to the number of evidenced hours of experience from 200 hours to 400 hours will then match NRPSI standards and those accepted by the police.

1.7: Compensation for lost revenue due to actions outside practitioner's control

When an MoJ decision, or one taken by an MoJ contracted agency, leads to unfair loss of income for a practitioner, then compensation should be paid

1.8: Cancellation policies

- Any day of a multi-booking which is cancelled individually ought to be compensated with an appropriate cancellation fee
- In case of an urgent cancellation the commercial agency has the obligation to notify the interpreter of the cancellation both on an email and on a phone call. If the agency fails to notify the interpreter of the cancellation, then the interpreter ought to be compensated for travelling to the venue and will receive the agreed additional fee and will be compensated for lost time
- In case of a venue change or time change or any other nature of booking changes, the agency must notify the interpreter regarding the change by email and telephone and the interpreter ought to be entitled to cancel the booking with appropriate recompense

1.9: Ensure commercial agencies in the value system are regulated by an independent body

Where commercial agencies are still being used, avoid 'marking your own homework' by creating an independent authority to regulate contracted and off-contract agencies engaged by HMCTS

1.10: Remote (online) interpreting and the use of tour guide systems in some courts were introduced without consultation and trialling the system, yet these modes of working impact interpreters' health and welfare

What consideration was given to:

- The actual working practices of interpreters and what they need in order to work effectively;
- Interpreters' occupational health;
- The quality of the incoming audio feed interpreters require in order to do their work;
- Minimum standards for technological hardware and sound quality;

- Any existing minimum standards for remote interpreting and audio equipment and sound quality published by interpreter organisations;
- Any measures to prevent hearing damage and voice strain;
- Hygiene standards, such as when using the loop in courts - the hygiene standards are poor, given everyone puts the same loop in their ear;
- Making sure all microphone in courts are connected and work
- Raising awareness for the speakers to actually use microphones and stand next to them
- Investing in audio systems in all courts
- Considering purchasing more hearing loops for interpreters or headsets that the interpreters can use to communicate with the defendant instead of entering the dock

Liaison with professional qualified interpreters who are regulated and registered would help ensure effective technology is deployed and stimulate greater trust, leading to better retention of current talent and recruitment of new talent

1.11: Briefing interpreters before the hearing

Proper planning and preparation prevent poor performance, and treats the language specialist as a professional, including providing interpreters with the copy of the indictment

1.12: A Disturbing Perspective: public prior to engaging with prisoners as public service interpreters

A disturbing development concerning tbw's latest recruitment initiative in HMP Wealstun in Wetherby where the commercial agency is considering recruiting inmates as interpreters. Due to unfavourable terms and conditions, commercial agencies are struggling to recruit and retain qualified interpreters, however, recruiting convicted criminals as public sector interpreters is surely a step too far and not in the interest of the public or public sector organisations, particularly the courts. The following statement was made by a representative of tbw during a prison visit in August this year: *Those with convictions can join the freelance linguist population following proper training and certifications, however tbw would first undertake an assessment to discuss the convictions and assess which clients they would be able to work with due to relevant clearances.*

1.13: An Illuminating Perspective from the London Metropolitan Police Service

The impact of the failure of the MoJ's commercial outsourcing contract has meant that the London Met would frequently get calls from police officers requesting an interpreter as the court appointed one had failed to turn up. To ensure court cases would not fail due to lack of an MoJ appointed interpreter from the MoJ List managed by the agency, the Met would supply at their cost. This will not be captured in any data either from the court or the Met but is a pragmatic solution to reduce further officer abstraction and court time.

Appendix 2.0: Lord Auld's Report on the Review of Criminal Justice System Interpreters 2001

2.1: In September 2001, Lord Auld's Report on the Review of Criminal Justice System Interpreters (paragraphs 155 to 161) was very clear when it stated *'it is important that the criminal justice process as it unfolds in court, as well as in its pre-trial rules and procedures, should be comprehensible to all involved in or exposed to it.'* In our opinions, the current system deployed by the MoJ does not fulfil this need given the continued engagement with those who are profoundly unqualified to deliver professional language services. Only the MoJ will have data on miscarriages of justice. In 2001 Lord Auld went on to say; *'The Runciman Royal Commission of 1993 commented on the difficulties of obtaining good quality interpreters ... at court. They made a number of recommendations, in particular, for their better training and remuneration.'* One of the key issues which underpins poor delivery of language services in the courts is poor remuneration, and it is often paid late by the commercial agency which currently holds the MoJ contract. Off-contract payments by the MoJ are also often late given lack of consistent approach by the courts to off-contract payment-protocols.

2.2: Lord Auld praised the launch of NRPSI following the recommendations made by the Runciman Royal Commission. Established to provide independent validation and accreditation without political or commercial pressures, NRPSI guaranteed then, and guarantees today, that all its Registrants are properly trained, conform to professional standards, are qualified, have evidenced experience and are subject to effective disciplinary procedures through the Code of Professional Conduct. Yet the MoJ does not engage with NRPSI as the voluntary regulator or register of those who are qualified and experienced to act as professional practitioners; the MoJ prefers its own list of interpreters via a commercial agency without independent regulation, not accepting the NRPSI Limited's mandate and role as the voluntary, independent regulator and register for public service interpreters and translators.

2.3: Lord Auld even suggested in 2001 that all commercial agencies which might get involved in the ecosystem ought to rely exclusively on practitioners' independent registration via the regulator when selecting interpreters for criminal investigations and court proceedings; if we must have commercial agencies contracted as outsourcing engagement specialists, then let them outsource from NRPSI rather than build their own, unregulated lists. But since the introduction of language services outsourcing by the MoJ in 2012, agencies have been allowed by the MoJ to create lists, where standards were dissolved so that someone who had enrolled on a Level 1 vocational course could act as an interpreter in bail hearings, first hearing and case management sessions. Only due to pressure from NRPSI was this overturned, although still today untrained, unprepared, unqualified linguists are allowed to be engaged within the courts. Today someone with a Masters in Philology, the branch of knowledge dealing with the structure, historical development, and relationships of a language or many languages, can act as a court interpreter without even basic vocational training or qualifications. Such a poorly managed and deteriorating system leads to variable standards of interpreting and translation, resulting in what could generously be described as *'somewhat patchy provision of services.'*

2.4: Lord Auld described the establishment of the National Register as ‘a welcome improvement’ yet the MOJ remains fixed in its view that the list of interpreters engaged should be controlled by a commercial agency, where the first responsibility of the board and management team is their fiduciary duty to return profits, dividends for shareholders and increase shareholder value. This is in stark contrast to the main role of NRPSI, which as a not-for-profit organisation has protection of the public as its main consideration, achieving this through a rigorous review of qualifications and evidenced experience prior to allowing someone to become a Registrant on NRPSI and the recently launched National Register of Public Service Translators (NRPST).

2.5: As Lord Auld said in 2001, *‘I recommend the establishment of standards of best practice in the design of new court buildings and the adaptation of equipment in existing courtrooms for the provision of adequate accommodation and facilities to interpreters.’*

2.6: He added: *‘...the Government should continue to encourage the concentration in the National Registers (NRPSI for spoken languages as well as NRCPSD for BSL) as appropriate of the role of oversight of national training, accreditation and monitoring of performance of interpreters, with a view to providing an adequate national and local coverage of suitably qualified interpreters; training and accreditation of all interpreters should include coverage of the basics of criminal investigation and court procedures, and should provide for changing and different geographic demands for linguists; the Government should consider central funding of further education establishments to equip them, where necessary, to provide courses in lesser-known languages for the Diploma in Public Service Interpreting; there should be a review of the levels of payment to interpreters with a view to encouraging more and the best qualified to undertake this work and to establishing a national scale of pay; and interpreters should be provided with facilities appropriate to an officer of the court when attending court to provide their services.’* All this is still true today; implementation is long-overdue.

Appendix 3.0: Two personal examples of poor delivery of the current quality assurance systems

3.1: On the 16th August 2024, NRPSI wrote to the Secretary of State for Justice given a Quality Assurance issue which illuminates the problems with Lot 4, communication with the MoJ and the continuing failures at tbw:

I am writing with regard to the situation XXXXX finds herself in, through no fault of her own, caused by the way language services are currently managed in HMCTS across both Lot 1 and Lot 4. The National Register of Public Service Interpreters (NRPSI) is not a union, but as the voluntary independent not-for-profit regulator and register of public service interpreters it is concerned with standards across language service delivery in the public sector. NRPSI is adding its voice to XXXXXX's voice asking the Ministry of Justice (MoJ) to examine the situation she finds herself in and requests your aid to expedite a best possible solution.

In an email to the MoJ sent on 25th July 2024, NRPSI made the point that unlike most interpreters trying to resolve issues with thebigword (tbw) regarding the new system for Lot 1 introduced on 3rd June 2024, and the loss of income this has entailed for many, XXXX's case is much more involved. Although like the many interpreters who have and are struggling to receive timely recompense for their work in the MoJ due to tbw's app failing to deliver, she also has the issues caused by a Lot 4 Quality Assurance problem which occurred earlier in the year. NRPSI has also requested the opportunity to have either a face to face or a remote meeting in the weeks prior to sending this note on 25th July regarding XXXX. I again asked for a meeting with the MoJ on 14th August, particularly as there have just recently been many more individual courts requesting information on how to make best use of NRPSI's services following the problems caused by the launch of tbw's new app on 3rd June. NRPSI has still not received a response with regard to XXXXX's specific situation.

As mentioned above, in terms of lost income her case crosses over from problems caused by tbw's launch of the app on 3rd June 2024, to problems caused by The Language Shop, the agency contracted to handle Quality Assurance issues (Lot 4). Earlier this year, without any right of appeal, XXXX lost her right to work in the MoJ as an interpreter following an assessment. She received an email dated 9th April advising her that she had no right of appeal stating 'We do not allow appeals of MS results'

This Quality Assurance decision was finally over-turned once XXXXX achieved a right of appeal, made her case and then managed to reverse the decision. Many months later XXXXX has still, to my knowledge, not been paid any compensation for loss of earnings caused by this Lot 4 issue which of course meant she could not work in the courts until winning her appeal. What is unfortunate is that decisions on Lot 4 are made before giving people the right of appeal; a situation which NRPSI believes is unjust.

3.2: Please also note the email below sent recently by a NRPSI Registrant to Lot 4 Quality Assurance management following the right to work being wrongly removed:

Dear XXXXX,

Thank you, but I did not see any points in your assessments. You are just proving yourselves wrong and this is not the first instance. May I please ask why my status has not been restored yet after not being able to do any work for the company from August? It has been 2 months now since I was not able to make any money through TBW and since I was wrongfully and unfairly removed from the MoJ platform.

XXXXXX M.A., B.A., MA MCIL CL, RPSI, RPST

Chartered Linguist, Founder & Company Director

Appendix 4.0: In Summary...

4.1. In summary, ITS management and delivery by the MoJ since 2012 has clearly been focused on, and we would suggest far too narrowly focused, on the cost of services. This has been to the detriment of protection of the public, protection of the public purse, development and maintenance of standards and quality service, leading to risks of the service failing in the long term. Surely the time is now to develop a strong and self-sustaining ITS where the nation's regulated and registered qualified and experienced public service interpreters and translators can deliver consistent quality service, knowing they are respected for their professionalism, they have protection of title and will be paid on time at a rate commensurate with their qualifications and experience, creating a pull-through pipeline with high-quality new-entrants eager to work for the courts.

ENDS

NRPSI Ltd Board

30th September 2024