



Ministry
of Justice

Statistics on the use of language services in courts and tribunals

Quarterly Update to June 2014

Ministry of Justice

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Introduction

This publication contains statistics on the use of language services in courts and tribunals. These services are supplied under a contract with Capita Translation and Interpreting (TI) and 'off contract' when a request can't be supplied under the contract.

The information presented in this publication covers requests for and complaints in relation to language services, which were completed between 30th January 2012 and 30th June 2014.

The statistics in this publication focus on four main areas:

- Completed language services requests, broken down by requester type (criminal court, tribunal and civil & family court);
- 'Success rate' of completed requests (*which is calculated as the number of completed requests which are either fulfilled, or the customer does not attend, as a proportion of all completed requests, excluding those cancelled by the customer*);
- Number of complaints made (and complaint rate) relating to language services requests, broken down by nature of complaints and by requester type (criminal court, tribunal and civil & family court);
- Number of completed "off contract" language services requests, broken down by requester type (criminal court, tribunal and civil & family court).

Data for completed requests and complaints relating to language services are taken from the language service booking portal, managed by Capita TI. Information on the Language Services Framework Agreement can be found within the 'Explanatory Notes' section. Data are not centrally held for the number of completed language requests and complaints under the previous contracts (before 30 January 2012), therefore it is not possible to say whether performance levels are better, or similar.

When a request can't be supplied under the contract, it is provided 'off contract'. 'Off contract' requests are made directly by the courts and tribunals – that is, not through the language service booking portal. 'Off contract' request data is collated by the Commercial and Contract Management Directorate within MoJ. Information on 'Off contract' requests for language service has been collected since April 2013.

This quarterly publication provides a snapshot of completed requests, complaints raised and the number of "off contract" requests. The final calendar year publication provides more detailed analysis, including languages requested and regional breakdowns.

If you have any feedback, questions or requests for further information about this statistical bulletin, please direct them to the appropriate contact given at the end of this report.

Key Findings

Completed language services requests

(Completed requests made under the contract through the web-based request system.)

The number of completed requests for language services in Q2 2014 has decreased for the first time since information has been collected (Q1 2012), largely driven by a reduction in tribunal requests. Overall completed requests for language services in Q2 2014 decreased by 12%, compared to Q1 2014 (from 45,100 requests in Q1 2014, to 39,600 in Q2 2014). The main driver for the decrease is due to fewer requests for language services from the tribunal courts - specifically from Social Security and Child Support (SSCS) and Immigration and Asylum tribunals.

'Success rate' of completed requests for language services

(‘Success rate’ is the number of completed requests which are either fulfilled or the customer does not attend, as a proportion of all completed requests excluding those cancelled by the customer.)

'Success rate' for completed requests for language services decreased slightly in Q2 2014, to 94.1% from 94.5% in Q1 2014. Success rate in Q2 2014 is still well above the 2013 average of 90.1%. 'Success rate' has increased since the settlement of a mileage rate dispute with interpreters in May 2013 and since Q3 2014 has fluctuated between 93.4% and 94.5%.

Number of complaints made relating to completed language services requests

(Complaints related to request made under the contract through the web-based request system.)

Complaint volume and rate have continued the downward trend. In Q2 2014 there were 700 complaints and complaint rate (1.8%) was the lowest since the contract began. The most common cause of complaint is 'non-availability of interpreter' (47% of all complaints).

Number of completed "off contract" requests for language services

(When a request can't be supplied under the contract, it is provided 'off contract' 'Off contract' requests are made directly by courts and tribunals. 'Off contract' requests for language services have been collected since April 2013.)

Completed 'Off-contract' requests for language services continue to decline quarter on quarter (600 in Q2 2014). In Q2 2014, completed 'off contract' requests accounted for 1.5% of all completed requests for language services (completed requests made under the contract and requests made directly by the courts and tribunals) compared to 6.9% of all completed requests in Q2 2013. The observed decrease in the number of completed off contract bookings made since Q2 2013 has coincided with the steady increase in success rate for completed requests under the contract and decrease in complaints regarding non availability of interpreter.

Number of completed requests for language services

This section refers to the number of completed requests for language services made under the contract through the web-based request system.

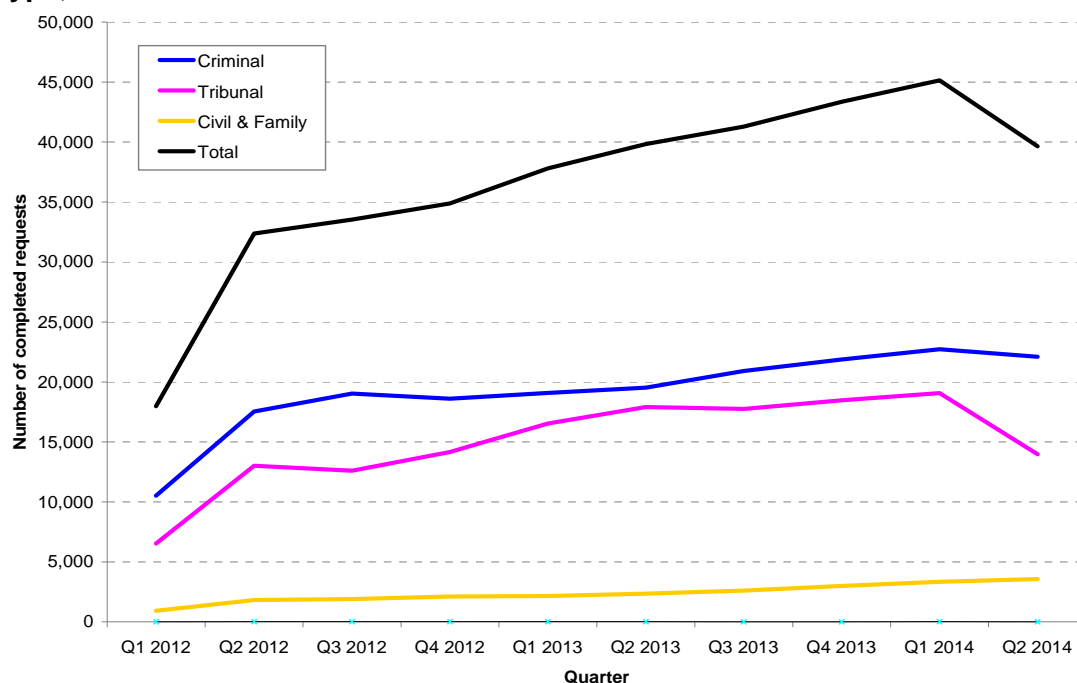
The number of completed requests for language services in Q2 2014 has decreased for the first time since information has been collected (Q1 2012).

Overall completed requests for language services in Q2 2014 decreased by 12%, compared to Q1 2014 (from 45,100 requests in Q1 2014, to 39,600 in Q2 2014).

The main driver for the decrease is due to fewer requests for language services from the tribunal courts - specifically from Social Security and Child Support (SSCS) and Immigration and Asylum tribunals.

The decrease in language service requests at tribunals is consistent with a decrease in the number of tribunal cases¹. HMCTS Tribunals recorded 74,400 receipts in Q2 2014, which is down 16% on the previous quarter, and 71% when compared with the same period of 2013. This has been driven by fewer appeals against decisions made by the Department for Work and Pensions (DWP) being received by tribunals in Q2 2014 (30% lower than Q1 2014 and 86% lower than the same period last year). The decrease in appeals could be due to a number of reasons including the introduction of mandatory reconsideration across DWP benefits - where a DWP decision-maker looks again at individual cases before it goes to a tribunal.

Figure 1: Total number of completed language service requests, by requester type, Q1 2012 to Q2 2014



¹ Caseload statistics for criminal, civil and family courts and tribunals can be accessed in the *Court Statistics Quarterly* and *Quarterly Tribunal Statistics* bulletins, both published on the Ministry of Justice website. www.gov.uk/government/statistics/court-statistics-quarterly-april-to-june-2014 and www.gov.uk/government/statistics/tribunal-statistics-quarterly-april-to-june-2014

The criminal courts continue to make the greatest use of language services. In Q2 2014, 56% of all completed requests for language services were from criminal courts (which includes Crown and magistrates' courts'), 35% were from tribunal courts and 9% were for civil and family court cases

These proportions in part, reflect the numbers of people dealt with by the different courts and tribunals. The volume of criminal proceedings at magistrates' courts and criminal cases heard at the Crown court are higher than the number of civil and family cases heard in court and the number of tribunal cases.

'Success rate' of completed requests for language services

Requests completed according to the framework agreement are called 'fulfilled' in this bulletin. However, requests may also be cancelled by the customer (i.e. the requester) or the supplier Capita TI may not be able to provide the requested service (called 'not fulfilled' in this bulletin). Requests may also fail because either the supplier (i.e. the translator or interpreter) or customer does not attend (or arrives so late that the job is cancelled).

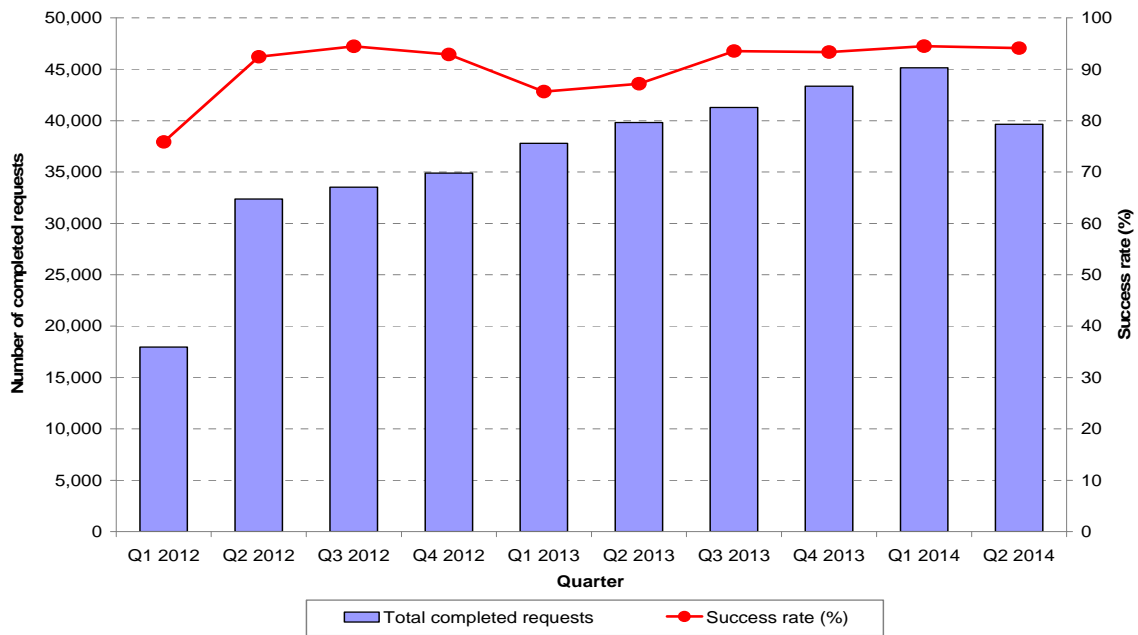
The 'success rate' provides a measure of the successful completion of legitimate requests – it is calculated as the number of completed requests which are either fulfilled or the customer does not attend, as a proportion of all completed requests excluding those cancelled by the customer.

Presenting a single success rate does not provide the whole picture on the success trend in the operation of the contract. Providing a quarterly breakdown of success rate enables the user to more fully understand the improvements made or where issues have arisen.

'Success rate' for completed requests for language services decreased slightly in Q2 2014, to 94.1% from 94.5% in Q1 2014. Success rate in Q2 2014 is still well above the 2013 average of 90.1%.

Over the first two months of the contract which covered the period of 30 January to 31 March 2012), success rate was 75.9%. In Q2 2012 it increased to 92.4% and peaked at 94.5% in Q3 2012. However, in Q1 2013, the success rate decreased to 85.6% – the fall coinciding with the contractor reducing the mileage rate paid to interpreters – and stood at 87.2% of completed requests in Q2 2013. In Q3 2013 however, the success rate increased to 93.6% – the increase coincided with the settlement of mileage rate dispute in May 2013. Since Q3 2013 success rate has fluctuated between 93.4% and 94.5%.

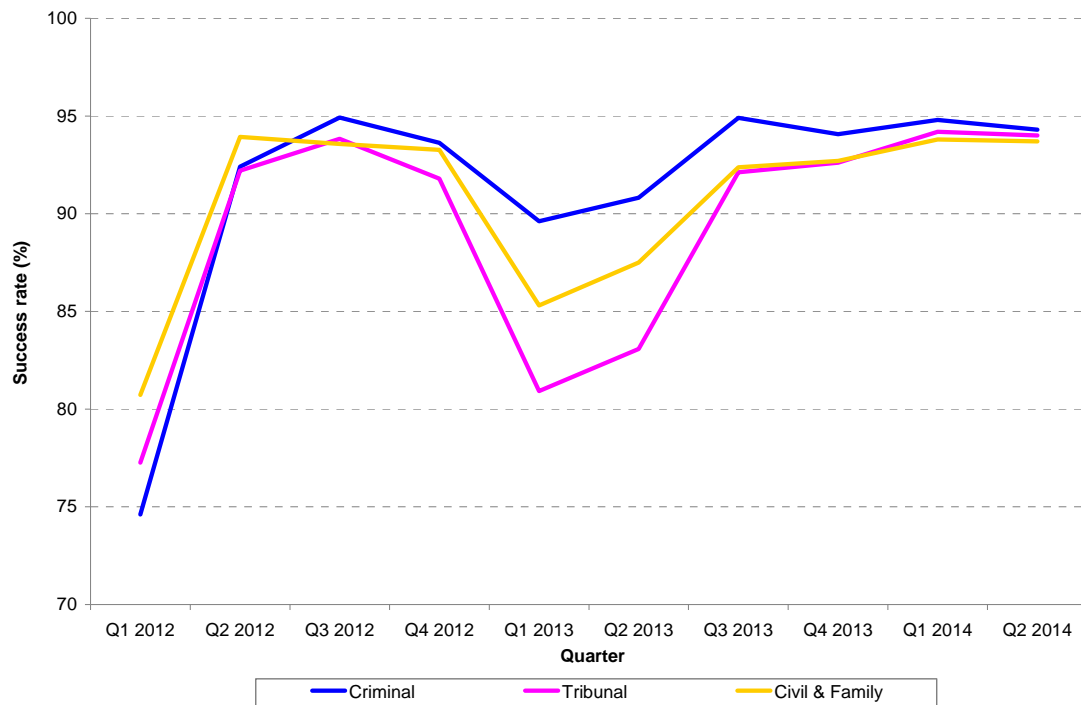
Figure 2: Number of completed language service requests and overall success rate, Q1 2012 to Q2 2014



Success rates in Q2 2014 fell slightly for each requester type, but are all well above the rate in Q2 2013:

- Criminal courts had the highest success rate of 94.3% in Q2 2014. This was a decrease of 0.5 percentage points when compared with Q1 2013, but an increase of 3.5 percentage points when compared with Q2 2013.
- Tribunals had a success rate of 94.0% in Q2 2014, a decrease of 0.2 percentage points when compared with Q1 2014, but an increase of 10.9 percentage points when compared with Q2 2013.
- Civil & Family courts had a success rate of 93.7% in Q2 2014, a decrease of 0.1 percentage points when compared with Q1 2014, but an increase of 6.2 percentage points when compared with Q2 2013.

Figure 3: Success rate (%) by requester type, Q1 2012 to Q2 2014



Of the total completed requests made in Q2 2014, 4.5% (1,800 requests) were 'not fulfilled by the supplier', a 0.3 percentage point increase compared with Q1 2014, but a 6.2 percentage point decrease compared with Q2 2013.

In Q2 2014, 5,400 (13.7%) of all requests were 'cancelled by the customer', a decrease of 0.2 percentage points compared with Q1 2014, but a 2.8 percentage point increase compared with Q2 2013.

Number of complaints made relating to completed language services requests

Complaints are submitted through the web-based language service request portal, managed by Capita TI. They are categorised according to a range of possible issues identified by the complainant– such as issues around interpreter quality, lack of interpreter availability and the non-attendance of a booked interpreter.

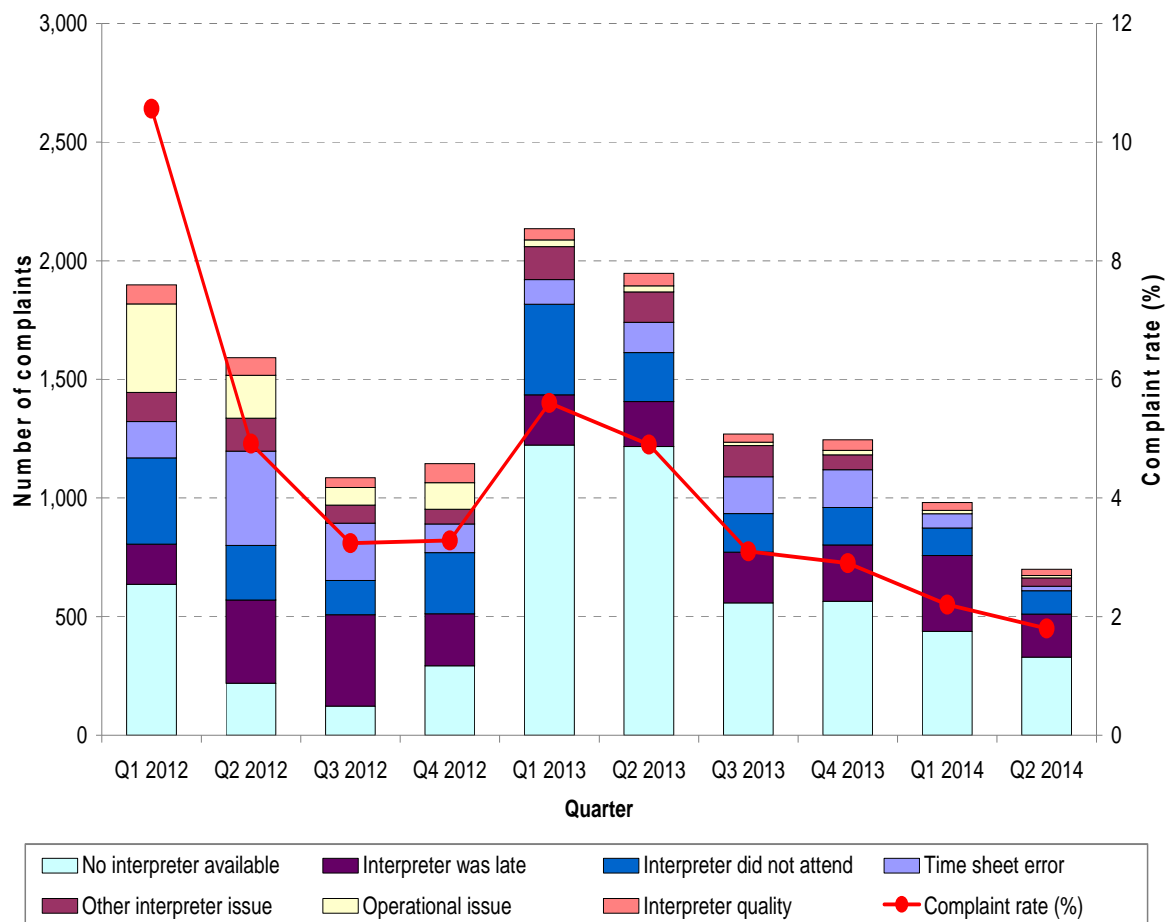
The complaint rate is calculated as the number of complaints lodged relating to the requests completed in a given period, which enables complaint volumes to be considered in the context of changing volumes of requests.

The Q2 2014 complaint rate (1.8%) was the lowest since the contract began.

In Q2 2014 there were 700 complaints relating to completed requests for language services. This is a decrease of 29% when compared with Q1 2014 (when 1,000 complaints were made) and a decrease of 64% compared to Q2 2013 (when 1,900 complaints were made).

In Q2 2014, only 1.8% of completed requests had a complaint against them, an improvement on Q1 2014 when the complaint rate was 2.2%. The Q2 2014 complaint rate was 3.1 percentage points lower than Q2 2013.

Figure 4: Number of complaints made, by category of complaint, with complaint rate, Q1 2012 to Q2 2014



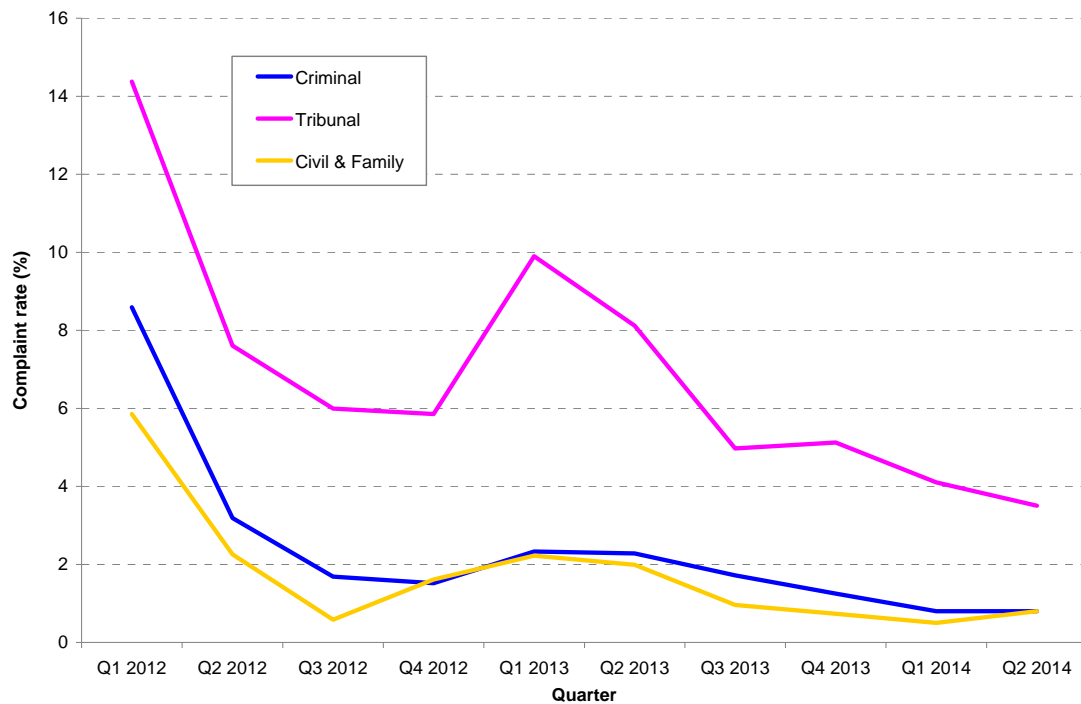
Complaint rate fell throughout 2012, from 10.6% in Q1 2012 to 3.3% in Q4 2012. Complaint rate then rose to 5.6% in Q1 2013 and has subsequently declined steadily quarter on quarter to 1.8% in Q2 2014 (the lowest complaint rate for any quarter for which data is available). The increase in Q1 2013 coincided with the contractor reducing the mileage rate paid to interpreters. The decrease in the complaint rate occurred subsequent to the settlement of the mileage rate paid to interpreters in the May 2013.

The most common cause of complaint is that there was 'non-availability of interpreter'. There has however been a decrease in the volume (and percentage) of complaints made related to 'non-availability of interpreter'. In Q2 2014, there were 300 complaints (47% of all complaints), compared to the 1,200 complaints (62% of all complaints) in Q2 2013.

The majority of complaints in Q2 2014 came from tribunals (500). There was however a big drop in tribunal complaints this quarter (compared with the 800 complaints in Q1 2014), following on from the drop in requests from Tribunals. Tribunal complaint rate decreased by 0.6 percentage points from 4.1% in Q1 2014 to 3.5% in Q2 2014. Both the criminal court and civil and family court complaint rates were 0.8% in Q2 2014.

Criminal court complaint rate has decreased from 2.3% in Q2 2013 to 0.8% in Q1 2014. The decrease in complaint rate in criminal courts has coincided with a decrease in interpreter availability being stated as the reason for ineffective trials in the criminal courts (particularly in the magistrates' courts). There has been a 27% decrease in interpreter availability leading to ineffective trials in the criminal courts since Q1 2012 (when the contract began).²

Figure 5: Complaint rate by requester type, Q1 2012 to Q2 2014



² Key reasons for ineffective trials in magistrates' and Crown courts in England and Wales can be accessed in the *Court statistics quarterly* on the Ministry of Justice website: www.gov.uk/government/statistics/court-statistics-quarterly-april-to-june-2014

Number of completed “off contract” requests for language services

Completed “Off contract” requests are requests for language services made outside the Capita TI contract. Requests for the service are made directly by the courts and tribunals – that is, not through the language service booking portal. Information on ‘Off contract’ requests for language services have been collected since April 2013.

Completed ‘off-contract’ requests for language services continue to decline quarter on quarter.

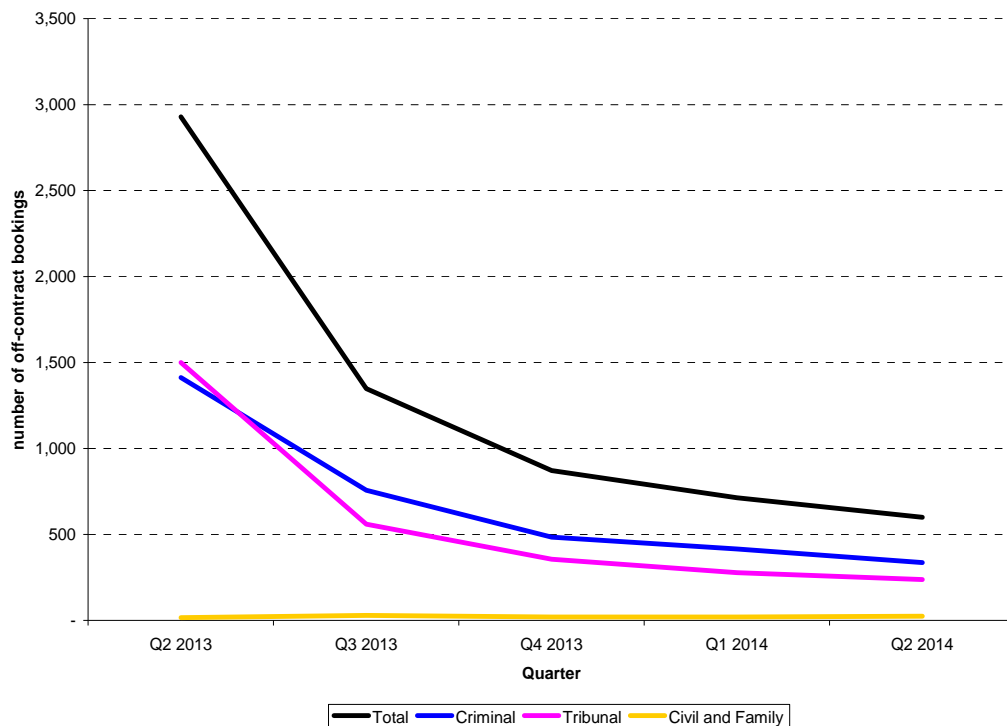
In Q2 2014, 600 completed ‘off-contract’ requests were made by all courts and tribunals compared with 700 in Q1 2014 and 2,900 in Q2 2013.

The observed decrease in the number of completed off contract bookings made since Q2 2013 has coincided with the steady increase in success rate for completed requests under the Capita TI contract.

In Q2 2014, completed ‘off contract’ requests accounted for 1.5% of all completed requests for language services (completed requests made under the contract and requests made directly by the courts and tribunals). By comparison, completed ‘off contract’ requests accounted for 1.6% of all completed requests for language services in Q1 2014 and 6.9% of all completed requests in Q2 2013.

In Q2 2014, criminal courts accounted for the 56% of ‘off contract’ request for translation and language services. Tribunals accounted for 40%, while civil and family courts accounted for 4%.

Figure 6: Number of completed ‘off-contract’ requests by requester type, Q2 2013 to Q2 2014



Explanatory Notes

The statistics presented in this bulletin are for language services provided to HM Courts & Tribunals Service (HMCTS) and the National Offender Management Service (NOMS).

Symbols and conventions

The following symbols have been used throughout the tables in this bulletin:

All numbers shown in the commentary (language service requests, complaints and off booking requests) for this publication are rounded to nearest 100. Success rate and complaint rate percentages are given to 1 decimal point whereas percentage changes based on actual numbers are given to no decimal points.

'-' = Nil or a complaint rate based on no language service requests (in a limited number of instances in the 'Other' requester type category a small number of complaints are recorded despite there being no language service requests).

() =Signifies a percentage based on less than 100 'total completed language service requests'

Data sources and data quality

Data for completed requests and complaints relating to language services provided to HM Courts & Tribunals Service (HMCTS) and the National Offender Management Service (NOMS) are taken from the language service booking portal managed by Capita TI.

All requests for translation services are booked by HMCTS staff. Requests are made in advance via the web-based portal, by email, or by telephone. There is no minimum period of notice and some requests are made less than an hour before they are needed. The supplier will attempt to assign a translator for the requested service and once the service has been provided, or the date for the requested service has passed, the request may be closed by the requesting court or tribunal. HMCTS staff are also responsible for closing completed requests within 48 hours of the booking being concluded. If it goes beyond 48 hours, the interpreter is permitted to close down the booking, as this is the mechanism by which they are paid.

These statistics are generated from datasets provided by the contractor from their web-based portal of the numbers of completed requests and details of complaints associated with each request. This quarter (Q2 2014), uses raw data from the portal covering the period 1st April 2014 to 30 June 2014.

Two different schemes for categorising complaints have been used since the use of the language service booking portal commenced. Under the earlier classification scheme, complaints were simply described as 'closed' once they were dealt with. A more advanced scheme was introduced in January 2013 that can classify complaints as founded, unfounded or duplicates (complaints submitted twice in error) and only founded complaints are counted by the Ministry of Justice.

The time that the language service is provided, is taken to be the starting time for the request, even if the request extended over several day. If the service extends over more than one month, it will be classed as happening in the month when it started.

The classifications used in this bulletin, such as 'complete' and 'fulfilled', are taken directly from the management information system and are decided according to the rules laid down by the contractor. A glossary list of terms used in this bulletin can be found in Annex A.

All bookings closed by interpreters are scrutinised by HM Courts & Tribunal Service staff, and any discrepancies are reviewed with the Ministry of Justice Contract Manager and Capita TI with the necessary action taken.

All data is subject to quality assurance. Officials in the Ministry of Justice routinely check the data to ensure that no cases are removed and that data received matches with information already held. HM Courts & Tribunal Service staff can see this information and if they do not agree, it is reported through the complaints process. Staff at Capita TI carry out monthly verifications of data, for example every month they spot check five per cent of cancelled jobs entered as Customer cancelled. This is to determine if they have been closed correctly.

As part of final checks, Ministry of Justice officials and Capita TI staff work together to identify and correct wrongly allocated bookings. For example, bookings made via telephone on behalf of the requesters can on occasion, be allocated to the court making the request, instead of to the location that requires the interpreter.

Further to recommendations made by the Justice Select Committee³, a method has been developed to collect statistical information on "off contract" bookings (i.e. all translation and interpretation services provided to courts and prisons outside the Capita TI contract), which commenced for all courts in April 2013.

The number of off contract requests for translation and language services by magistrates' courts, civil and family courts and Crown Courts are collated using manual data returns from each court. Each court is required to complete a monthly count of bookings and return to their Regional Support Unit, who collate the information and forward it to Ministry of Justice officials for quality assurance and review. Due to the manual method of data collection, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when that data are used.

For tribunals, off contract requests data has been collected and collated since the commencement of the contract on 30 January 2012, by the Loughborough Interpreter Booking Team (LIBT), who were responsible for making all "off contract" bookings for Immigration and Asylum (IAC) Tribunals, Asylum Support Tribunals (AST) and Mental Health Tribunals (MHT).

The LIBT are able to separately identify on their computer systems, the bookings which have been made off contract from those made under the contract and by which type of tribunal. Due to the automatic capture of administrative data on off contract bookings, data for tribunals is deemed to be robust, accurate and complete.

³ www.publications.parliament.uk/pa/cm201213/cmselect/cmjust/645/645.pdf

The Language Services Framework Agreement

The Ministry of Justice (MoJ) has established the Language Services Framework Agreement which will have an initial period of four years. Services are delivered by Capita -IT in accordance with a standard set of terms and conditions. This allows eligible participants to procure the services they require without recourse to further competition.

The framework agreement creates an overarching relationship between the service provider Capita TI and collaborative partners in the Criminal Justice System through which the language services required can be satisfied.

Criminal courts in the North-West began to use services under the terms of the contract from 12 December 2011 onwards. The remaining courts, tribunals and prisons began to use the services from 30 January 2012.

Services provided under the framework

Capita TI provides interpretation, translation, sign and other non-defined language support services to MoJ, HM Courts & Tribunals Service and NOMS prisons. The service is not available for use by Probation Trusts but the framework agreement is available.

- Face-to-face interpretation that can be divided into three tier-based needs.
 - Tier One: the interpreter is able to both speak fluently in the language required and is also able to provide a written translation to a pre-determined standard.
 - Tier Two: the interpreter can provide fluent spoken interpreting services, but will not be able to provide a written translation that would suffice for justice sector needs.
 - Tier Three: the interpreter can provide an interpreting service, but not to the standard that would be required for court, tribunal or other evidential requirements; this may be used, for example, in community-based settings.
- Telephone interpreting;
- Translation services – written (including Braille and Easy-read) and recorded (including transcription);
- Services for the deaf and deaf blind (including, but not limited to, British Sign Language, Sign Supported English, Note Taking, Finger Spelling and Lip Speaking); and,
- Other non-defined language support services as and when they arise.

Translation of Welsh in Wales is not included in the framework.

Revisions Policy

In accordance with Principle 2 of the Code of Practice for Office Statistics, the Ministry of Justice is required to publish transparent guidance on its policy for revisions. A copy of this statement can be found at:

www.justice.gov.uk/downloads/statistics/mojstats/statistics-revisions-policy.pdf

The Ministry of Justice aims to avoid the need for revisions to publications unless they are absolutely necessary and put systems and processes in place to minimise the number of revisions.

Within the Ministry of Justice's statistical publications there can be three main reasons for statistics to be revised:

- Changes in how either source administrative systems collect information or a change in statistical methodology, to improve accuracy and measurement.
- Receipt of subsequent information which alters our understanding of previous periods (for example – late recording on one of the administrative IT systems used operationally).
- Errors in our statistical systems and processes.

Our policy in handling revisions is to be transparent with users about:

- The need for revisions.
- How and when to expect revisions as part of our standard processes.
- The processes by which other revisions will be communicated and published.

To meet these commitments, all of our statistical publications will:

- Ensure that the need for major revisions for any series are pre-announced on the Ministry of Justice website.
- Include a detailed revisions policy within every release.
- Detail how users will be informed of the need for revisions.
- Give detailed and full explanations as to why the revisions were necessary.

In addition, the annual report from the Head of Profession to the National Statistician will:

- Provide information on how many revisions were required to our publications and the reasons for these.
- Publish a time-series of revisions due to errors in our statistical processes and procedures, so that we can monitor the quality of our outputs.

Annex A - Glossary of Terms Used

Descriptions of outcomes of requests dealt with

Fulfilled

The supplier (Applied Language Solutions) provided an interpreter or translator as requested by the court or tribunal.

Not fulfilled by supplier

The supplier (Applied Language Solutions) has been unable to fill the booking request.

Cancelled by customer

The customer (i.e. the court or tribunal) no longer requires an interpreter and has cancelled the booking request.

Customer did not attend

The interpreter arrived at the requested location for the service but the customer (as specified by the court or tribunal) did not attend.

Supplier did not attend

The interpreter was assigned and booked by the supplier (Applied Language Solutions), but failed to attend.

Success rate

This is calculated as the number of completed requests that count as successful supply of the service:

i.e. 'Fulfilled' plus 'Customer did not attend', divided by the total relevant completed language service requests excluding those requests cancelled by the customer.

Categories of requester

Criminal

Comprises requests relating to criminal cases in magistrates' courts and Crown Courts, the Central Criminal Court, criminal appeals at the Royal Courts of Justice, North Liverpool Community Justice Centre, Warwickshire Justice Centre and HMCTS London Collection & Compliance Centre.

Tribunals

Comprises requests made by all Employment tribunals, Immigration & Asylum tribunals, Social Security and Child Support tribunals and Special tribunals.

Civil & Family

Comprises requests made by all civil, family and county courts, Civil & Family Justice Centres, Civil & Family Hearing Centres, Huntingdon Law Courts, the Administrative Court at the Royal Courts of Justice, civil appeals at the Royal Courts of Justice, the Court of Protection, and the Administrative Court for Wales.

Other

Comprises requests made by prisons, MoJ Shared Services and policy teams within MoJ and NOMS HQ.

Categories of complaints

Interpreter did not attend

The assigned interpreter did not go to the assignment and did not inform anyone.

Interpreter quality

The quality of the interpreting skills is being questioned.

Interpreter was late

The assigned interpreter was late getting to the assignment.

No interpreter available

The supplier was unable to provide an interpreter.

Operational issue

Operational issues include: incorrect tier assigned (the customer has requested a specific tier of assignment and an incorrectly tiered interpreter was assigned), issues with the web-based request portal, occasions when the customer has not been able to request one of the services that the supplier supplies and other occasions when the supplier has not supplied the service that is expected.

Other Interpreter issue

Any areas concerning the interpreter which are not covered elsewhere, e.g. dress code.

Time sheet error

Either the customer or the interpreter has closed the assignment's time sheet entry down incorrectly.

Order

This includes complaints where no category was recorded in the data.

Contacts

Press enquiries should be directed to the Ministry of Justice press office:

Tel: 020 3334 3536

Email: newsdesk@justice.gsi.gov.uk

Other enquiries about these statistics should be directed to the Justice Statistics Analytical Services division of the Ministry of Justice:

Steve Ellerd-Elliot
Chief Statistician
Ministry of Justice
7th Floor
102 Petty France
London
SW1H 9AJ
Email: statistics.enquiries@justice.gsi.gov.uk

General enquiries about the statistical work of the Ministry of Justice can be e-mailed to: statistics.enquiries@justice.gsi.gov.uk

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