



Ministry
of Justice

Statistics on the use of language services in courts and tribunals

Quarterly Update to September 2014

Ministry of Justice
Statistics bulletin

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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 completed requests for language services and complaints in relation to language services, and completed 'off-contract' requests completed between 30th January 2012 and 30th September 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 '**Annex B**'. Data are not centrally held for the number of completed language requests and complaints under the previous contracts (before 30 January 2012). It is therefore not possible to say whether performance levels have changed pre and post 30th January 2012.

When a request cannot 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 Ministry of Justice (MoJ). Information on 'Off contract' requests for language service has been collected since April 2013

The next publication of statistics on the use of language services in courts and tribunals is scheduled to be published on the **16th April 2015**. The publication will provide more detailed analysis, including information on languages requested, interpreter tiers requested and regional breakdowns of language requests.

Users of the Statistics

The primary users of these statistics are Ministers and officials in central government. Other users include judges, lawyers, other government departments and non-government bodies, as well as a number of voluntary organisations and stakeholders with an interest in this area.

The structure and content of this publication are continually being reviewed to reflect user requirements.

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 Q3 2014 has decreased for the second consecutive quarter, largely driven by a reduction in tribunal requests. Completed requests for language services in Q3 2014 decreased by 4%, compared to Q2 2014 (from 39,600 requests in Q2 2014, to 38,100 in Q3 2014). The main driver for the decrease is due to fewer requests from Social Security and Child Support (SSCS) and Immigration and Asylum tribunals.

'Success rate' of completed requests for language services

(The '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.)

The 'success rate' for completed requests for language services is the highest since the contract commenced in 2012. The 'success rate' increased to 94.8% in Q3 2014 from 94.1% in Q2 2014. The 'success rate' has increased since the settlement of a mileage rate dispute with interpreters in May 2013. The success rate has increased by 1.2 percentage points compared with the same period a year ago.

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 Q3 2014 there were 660 complaints and the complaint rate (1.7%) 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. In Q3 2014, there were 580 completed 'off-contract' requests. In Q3 2014, completed 'off contract' requests accounted for 1.5% of all completed requests for language services (completed requests made under the contract and completed requests made 'off-contract'), compared to 3.2% of all completed requests in Q3 2013. The decrease in the number of completed 'off contract' requests has coincided with the steady increase in success rate for completed requests under the contract and steady decrease in number of complaints.

1. Number of completed requests for language services

This section presents statistics on the number of completed requests for language services made under the contract with Capita TI.

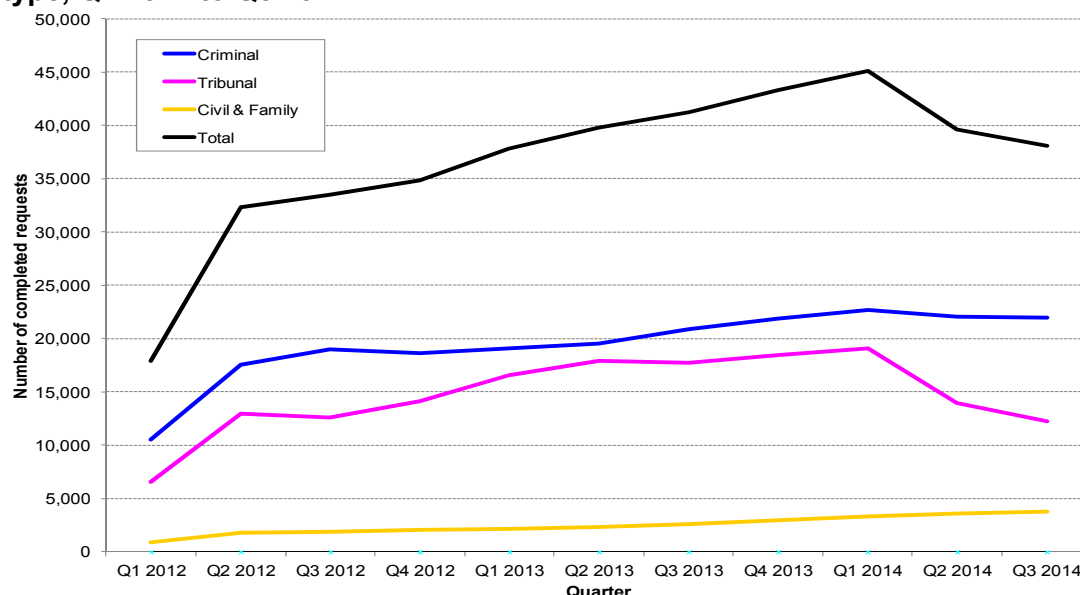
The number of completed requests for language services in Q3 2014 has decreased for the second consecutive quarter.

Overall completed requests for language services in Q3 2014 decreased by 4%, compared to Q2 2014 (from 39,600 requests in Q2 2014, to 38,100 in Q3 2014). Between Q1 2012 and Q1 2014 the number of completed requests for language services had risen quarter on quarter.

The main driver for the recent decrease in completed requests 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. HM Courts and Tribunals Services (HMCTS) recorded 83,500 receipts in Q3 2014, which is 61% lower than the same period in 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 and Q3 2014. 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 Q3 2014



¹ Caseload statistics for tribunals and gender recognition certificate statistics quarterly - July to September 2014. www.gov.uk/government/statistics/tribunals-and-gender-recognition-certificate-statistics-quarterly-july-to-september-2014

The criminal courts continue to make the greatest use of language services. In Q3 2014, 58% of all completed requests for language services were from criminal courts (which includes Crown and magistrates' courts'), 32% were from tribunal courts and 10% 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.

2. 'Success rate' of completed requests for language services

This section presents statistics on the 'success rate' completed requests for language services.

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.

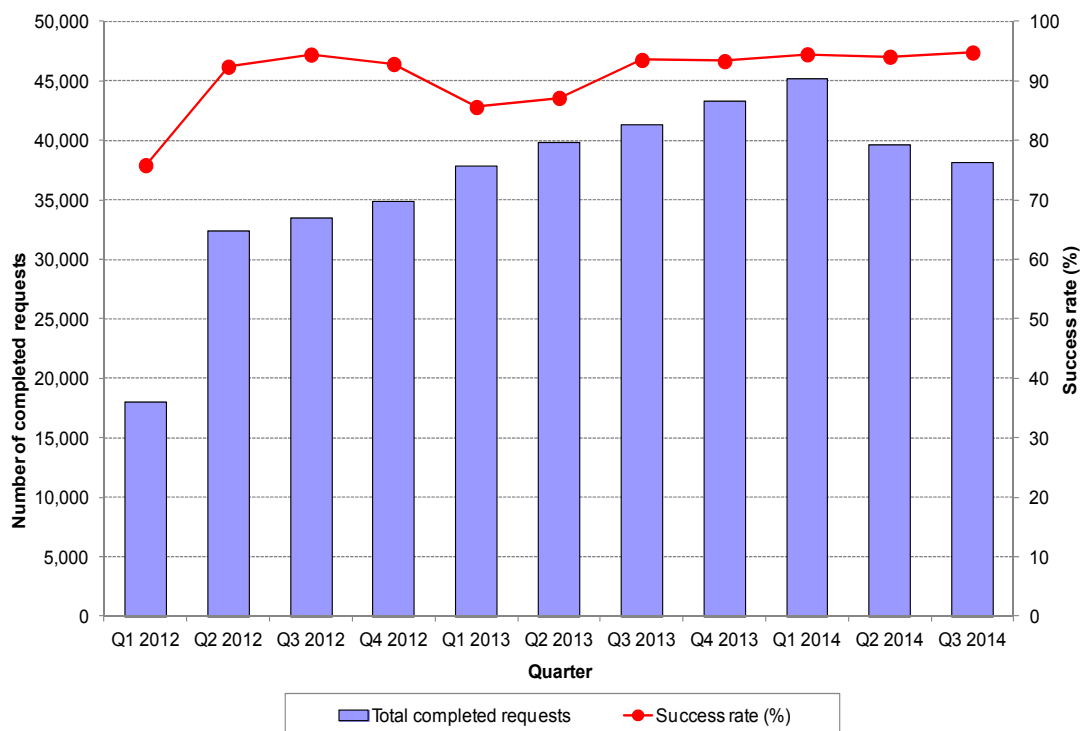
'Success rate' for completed requests for language services is the highest since the contract commenced in 2012.

'Success rate' increased to 94.8% in Q3 2014 from 94.1% in Q2 2014. 'Success rate' has increased by 1.2 percentage points compared with the same period a year ago.

'Success rate' trend since 2012

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 rose to 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 increased and is currently 94.8%.

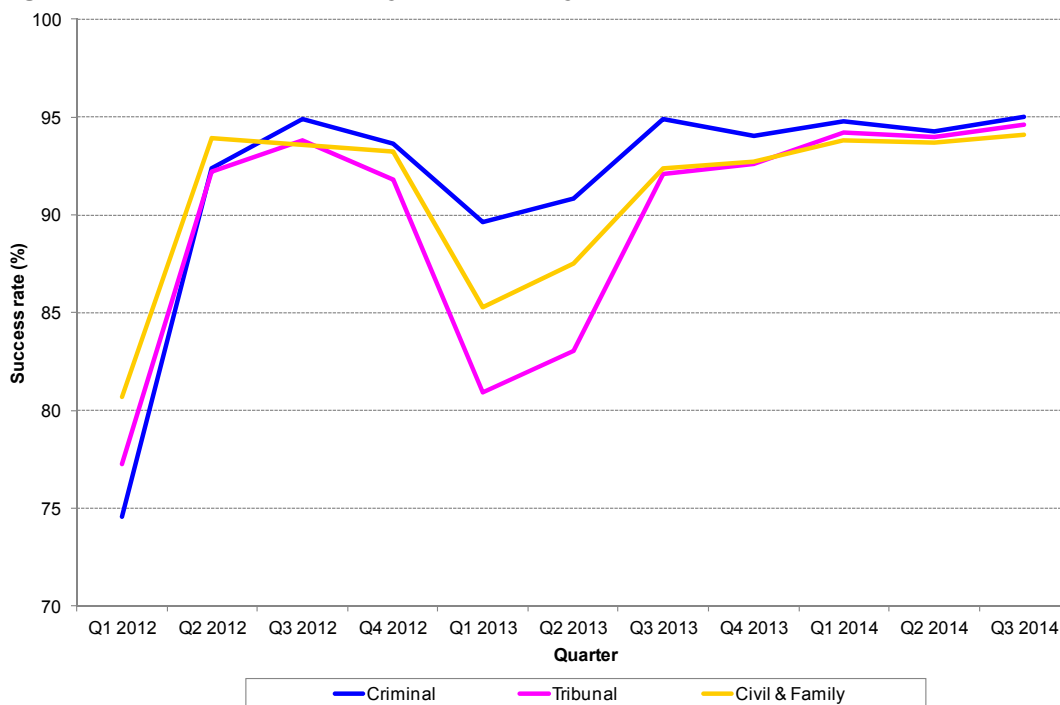
Figure 2: Number of completed language service requests and overall success rate, Q1 2012 to Q3 2014



‘Success rate’ by requester type:

- Criminal courts had the highest success rate of 95.0% in Q3 2014. This was an increase of 0.7 percentage points when compared with Q2 2014 and an increase of 0.1 percentage points when compared with Q3 2013.
- Tribunals had a success rate of 94.6% in Q3 2014, an increase of 0.6 percentage points when compared with Q2 2014 and an increase of 2.5 percentage points when compared with Q3 2013.
- Civil & Family courts had a success rate of 94.1% in Q3 2014, an increase of 0.4 percentage points when compared with Q2 2014 and an increase of 1.7 percentage points when compared with Q3 2013.

Figure 3: Success rate (%) by requester type, Q1 2012 to Q3 2014



In Q3 2014, there was a slight decrease in the number of completed requests not fulfilled by the contractors (includes categories not fulfilled by the supplier and supplier did not attend). Of the total completed requests made in Q3 2014, 4.4% (1,700 requests) were not fulfilled by the contractors - a 0.7 percentage point decrease compared with Q2 2014, and 1.3 percentage point decrease compared with Q3 2013.

Requests for language services not fulfilled by requesters increased slightly in Q3 2014 (includes categories cancelled by the customer and the customer did not attend). In Q3 2014, 6,200 (16%) of all completed requests were not fulfilled by the requesters - an increase of 1.6 percentage points compared with Q2 2014 and a 3.2 percentage point increase compared with Q3 2013.

3. Number of complaints made relating to completed language services requests and complaint rate

This section presents statistics on the number of complaints for language services provided by the Capita TI contract and the complaint rate.

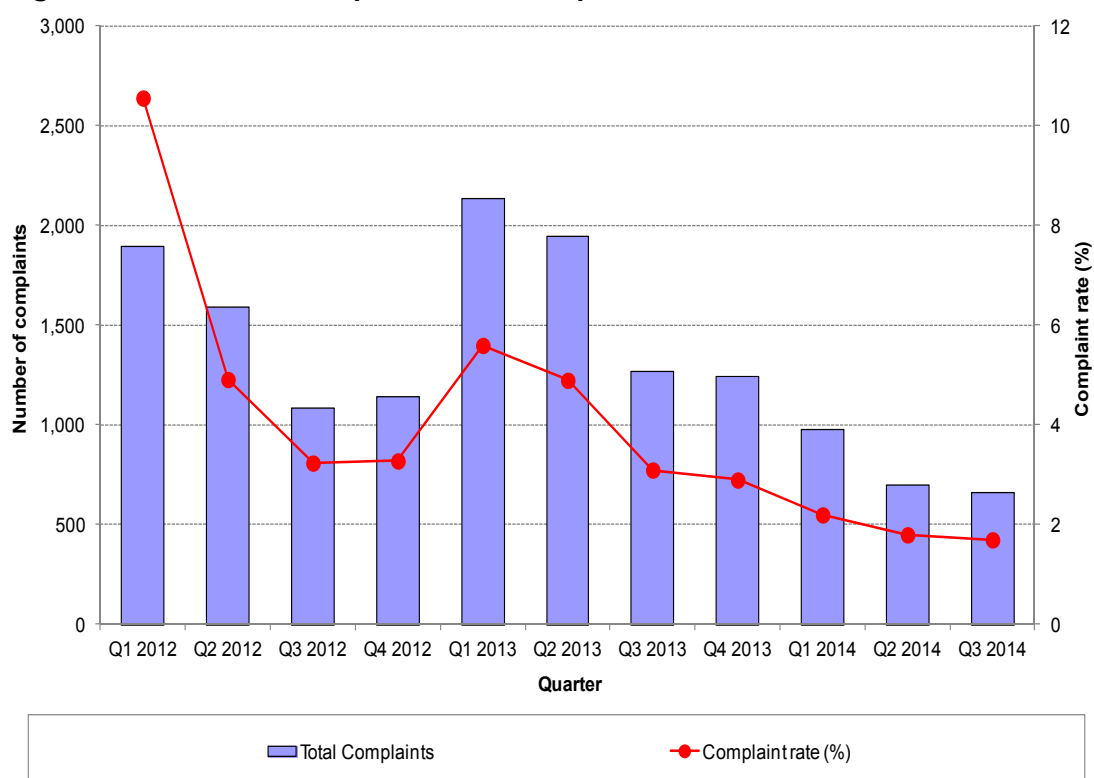
The complaint rate is calculated as the number of complaints lodged relating to the requests completed in a given period, which enables complaint volumes to be considered in the context of changing volumes of requests.

Complaint volume and rate have continued the downward trend since Q2 2013. In Q3 2014 there were 660 complaints and the complaint rate (1.7%) was the lowest since the contract began in 2012.

In Q3 2014, there were 660 complaints relating to completed requests for language services provided by Capita TI. This is a decrease of 5% when compared with Q2 2014 (when 700 complaints were made), and a decrease of 48% compared to Q3 2013 (when 1,270 complaints were made).

In Q3 2014, only 1.7% of completed requests had a complaint against them, a slight improvement on Q2 2014 when the complaint rate was 1.8%. The Q3 2014 complaint rate was 1.4 percentage points lower than Q3 2013.

Figure 4: Number of complaints and complaint rate, Q1 2012 to Q3 2014



The most common cause of complaint is 'non-availability of interpreter'. In Q3 2014, there were 310 complaints (47% of all complaints)

Complaint rate trend since 2012

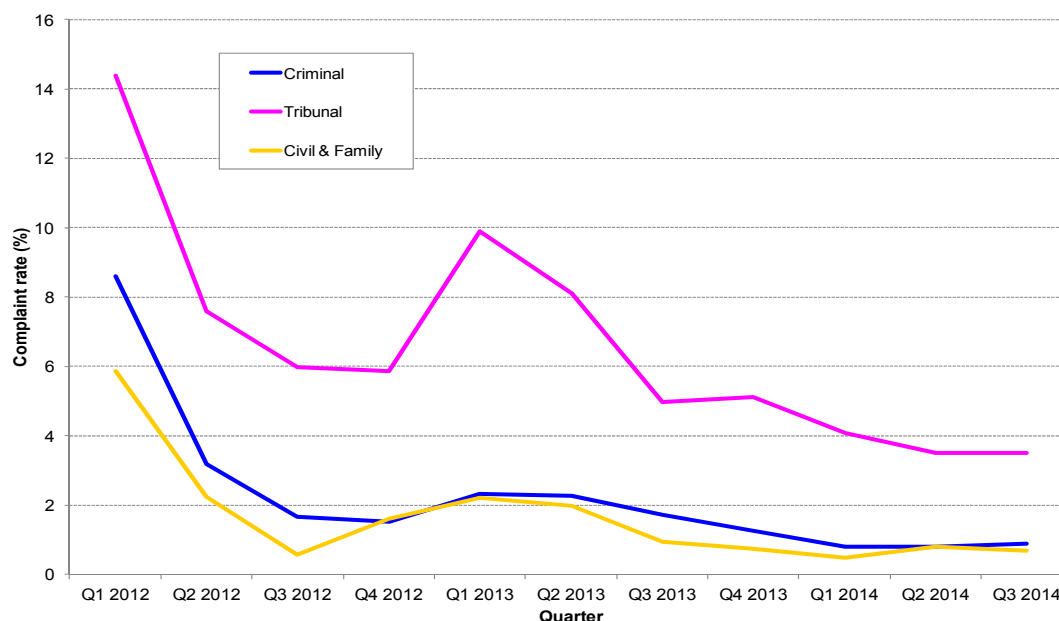
Complaint rate fell throughout 2012; from 10.6% in Q1 2012 to 3.3% in Q4 2012, then rose to 5.6% in Q1 2013 and subsequently declined steadily quarter on quarter to 1.7% in Q3 2014 (the lowest complaint rate for any quarter for which data is available). The increase in Q1 2013 coincided with the contractor 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 May 2013.

Complaints by requester type:

In Q3 2014, the majority of complaints were from tribunal courts (430) which accounted for 65% of all complaints made in the quarter. Although there has been a decrease in requests by tribunals, there has been no change in the complaint rate.

In Q3 2014, Tribunal courts had the highest complaint rate of 3.5% compared to 0.9% for Criminal court requests and 0.7% for Civil & Family court requests. Criminal court complaint rate has decreased from 1.7% in Q3 2013 to 0.9% in Q2 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 26% 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 Q3 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/criminal-court-statistics-quarterly-july-to-september-2014

4. Number of completed “off contract” requests for language services

This section presents statistics on ‘off-contract’ language services requests.

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

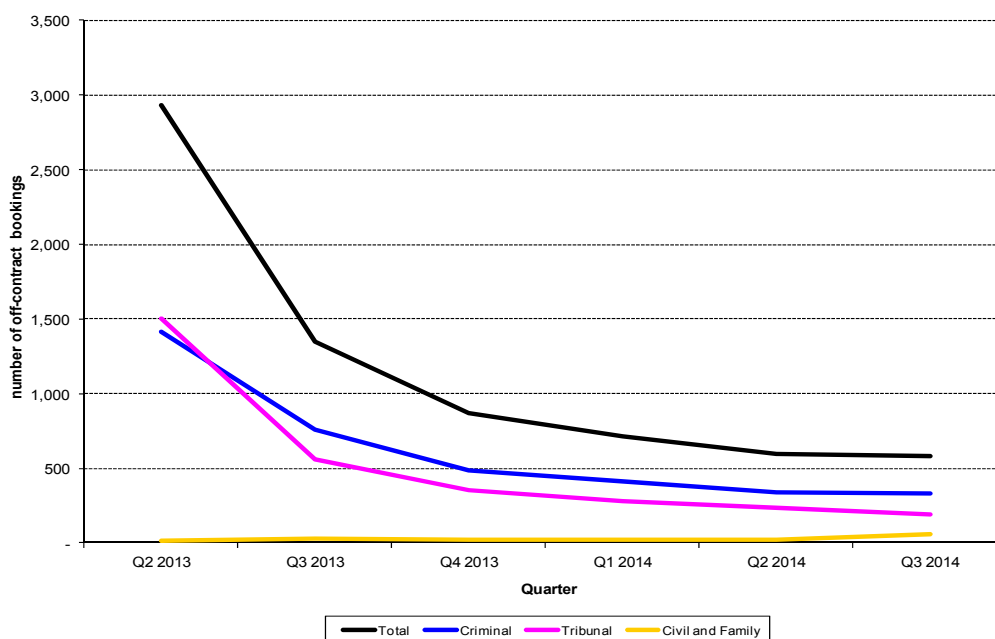
In Q3 2014, 580 completed ‘off-contract’ requests were made by all courts and tribunals compared with 600 in Q2 2014 and 1,350 in Q3 2013.

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

In Q3 2014, completed ‘off contract’ requests accounted for 1.5% of all completed requests for language services (completed requests made under the contract and completed requests made ‘off-contract’), compared to 3.2% of all completed requests in Q3 2013.

In Q3 2014, criminal courts accounted for the 57% of ‘off contract’ request for language services. Tribunals accounted for 34%, while civil and family courts accounted for 10%. This compares with criminal courts accounting for 58% of all completed requests for language services (completed requests made under the contract and completed requests made ‘off-contract’), tribunals accounting for 32% and civil and family courts accounting for 10%.

Figure 6: Number of completed ‘off-contract’ requests by requester type, Q2 2013 to Q3 2014



Annex A: Explanatory Notes, Data Sources and Data Quality

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:

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 in tables 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 (Q3 2014), uses raw data from the portal covering the period 1st July 2014 to 30 September 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 D**.

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

Annex B: 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.

Annex C: 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 D: 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.

Annex E: List of Accompanying Tables

Accompanying this publication are the following tables:

Table 1: Number and rate of completed language service requests by outcome, split by requester type, 2012 to Q3 2014

Table 2: Number and rate of complaints by category of complaints, split by requester type, 2012 to Q3 2014

Table 3: Number of off-contract bookings, split by requester type, quarterly, Q2 2013 to Q3 2014

Contacts

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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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