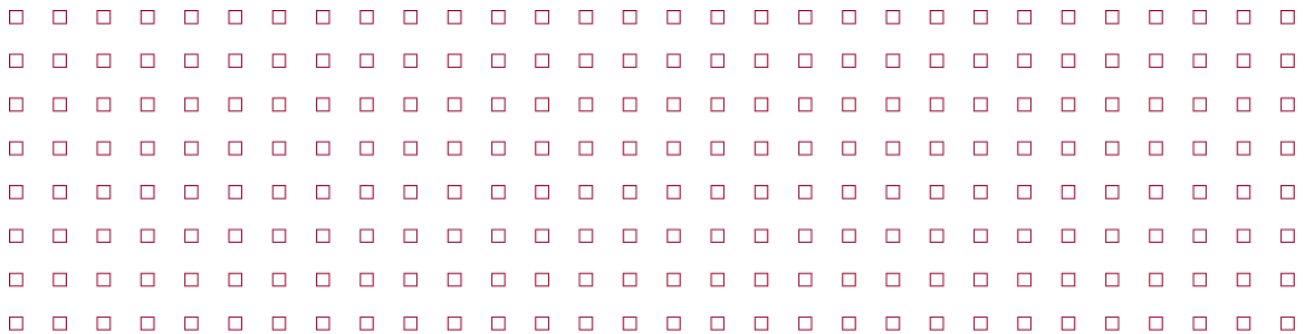




Ministry
of Justice

An Independent Review of Quality Arrangements under the MoJ Language Services Framework Agreement: Government Response

December 2014



Government Response to the Independent Review of quality arrangements under the MoJ language services Framework Agreement

Foreword

The Ministry of Justice (MoJ) introduced a new language services contract and Framework Agreement, which went live on 30 January 2012, to deliver interpreting and translation services across the justice system. The National Audit Office (NAO) carried out an investigation and based on this report the Public Accounts Committee (PAC) also examined this area. Subsequently, a Justice Committee (JC) report on the contract was published on 6 February 2013 and an update to the original NAO report was published on 22 January 2014.

The reports all made recommendations relating to quality standards. Ministers agreed to these recommendations and undertook to take forward an independent review focused on the quality of interpreter services provided through the Framework Agreement.

MoJ appointed independent assessors (Matrix Knowledge, now Optimity Matrix) to carry out the Independent Review with a view to delivering a balanced, practical and constructive review of the current arrangements regarding quality standards, and in doing so address the matters raised by the NAO, PAC and JC reports. We requested that the review should outline what areas (if any) required closer focus for the delivery of a quality service in the justice sector at an affordable cost to the taxpayer.

The previous system for delivering language services to MoJ was complicated, poorly coordinated and did not provide value for money. Performance in the early part of the new contract was not of a satisfactory level. However, we have seen dramatic improvements over the last two years and we are continuing targeted work and investment to further improve performance to deliver value for the taxpayer. We now have a service that is robust, sustainable and affordable. Where we accept the review's recommendations or where more work is required, we will continue to work with professional interpreters to ensure that language services in the justice system achieve best value for money, while providing an excellent quality of interpreting services to court users.

Government Response to the Independent Review of quality arrangements under the MoJ language services Framework Agreement

Response to the Independent Review of quality arrangements

In this response the MoJ replies to the recommendations made in the Independent Review of quality arrangements under the MoJ language services Framework Agreement.

Recommendation 1: Use of qualifications and experience as an indicator of quality, combined with a simplified tiered system to improve transparency in the allocation of interpreters to jobs.

MoJ response: Decision deferred until further work is carried out leading up to the next Framework Agreement tender exercise.

We agree with the findings of the review that qualifications and experience are two important barometers when considering the wider issue of quality. It therefore follows that we also agree that all interpreters and translators working under the Framework Agreement should be adequately qualified in order to meet the requirements of working in the justice system.

Whilst we agree *'the tier system is a useful concept for matching quality and risk'*, we believe that review fails to provide sufficient evidence for its recommendation of changing the current system from three to two tiers. Furthermore the review fails to provide a robust argument as to how the current three tier system fails to safeguard the fairness of proceedings and also fails to outline in sufficient detail the effect such a change may have on overall service provision.

We would point to the safeguards we have imposed to strictly control the use of tier-three interpreters and the policies currently in place which are sufficiently robust to ensure fairness and deliver a system in which people can have confidence. Under the previous National Agreement it was recognised that unqualified interpreters might need to be utilised in certain circumstances.

A tiering system provides a robust, sustainable and cost effective system for the provision of language services across the justice sector. We are interested in exploring the issue of differing quality requirements for different areas of the justice sector, which the review recommends. But we are not persuaded that a simple distinction between the civil and the criminal courts is appropriate.

To consider any changes to the current tiering system, particularly against a backdrop of dramatic improvements in performance over the last two years, we would need to see a more robust argument together with sufficiently reasoned evidence underpinning the merits of such a change. However, at this stage and before making a firm commitment, we intend to undertake preparatory work to explore the effect on service provision the proposed change would have. We are also willing to consider possible changes to the tiering arrangements in the broader context of the work which will lead up to the next tender exercise of the Framework Agreement.

Government Response to the Independent Review of quality arrangements under the MoJ language services Framework Agreement

Recommendation 2: Improving the efficient use of qualified interpreters

MoJ Response: Accepted

Demand for interpreters increased by around 20% between 2012 and 2013, yet during this period we have witnessed a dramatic improvement in service delivery performance by the current provider, Capita TI. Changes to the contract have enhanced the terms of remuneration for interpreters – which in turn has greatly improved relations and has enabled Capita TI to recruit significantly more interpreters.

We believe that these improvements in performance and the increasing number of interpreters available to work under the Framework Agreement point to an already efficient system. However, we will continue our targeted work and investment programme to further improve performance. We are and will always remain open to exploring new ways of working with the aim of delivering greater efficiencies and value for the taxpayer, and are currently working closely with Capita TI on a pilot that will look at the potential role that video technology and telephony can play in the future.

Recommendation 3: Improve Continuous Professional Development

MoJ Response: Not Accepted

We agree that Continuous Professional Development (CPD) can be a valuable tool in providing a structured approach to learning that helps to ensure competence to practice, staff retention and improves skills and knowledge. We also welcome the review finding that professional and/or educational bodies are best placed to develop and set up a CPD programme for interpreters.

As self-employed professionals it is not within the remit of the MoJ or Capita TI to compel interpreters and translators to undertake a professional development programme. However we recognise the attainment of relevant qualifications, experience and further development through CPD, as being essential and intrinsically linked to the consistent delivery of a high quality service.

Whilst we are unable to accept the recommendation as it currently stands, we are keen to look at how the service provider can, through engagement with the relevant professional bodies, in any way encourage and guide those working under the Framework Agreement towards a suitable voluntary CPD programme.

Recommendation 4: Improve assessment of rare language interpreters (at the hiring stage)

MoJ Response: Accepted in principle

The review acknowledges that access to rare language interpreters is an issue wider than the justice sector. It is also true that ensuring interpreters of rare languages are adequately qualified and are of requisite quality, where no formal qualification exists, is a long-standing problem across the interpretation industry as a whole.

Although the MoJ is not in a position to dictate the adoption of appropriate industry-wide qualifications for rare languages, we are willing to use our position as a major service-user to try to influence the wider debate around this issue. We will therefore consider and discuss, in partnership with the service provider (Capita TI) and other relevant external parties, such as the National

Register of Public Service Interpreters (NRPSI), an agreed approach to how the effects of this issue can potentially be mitigated in the future.

Government Response to the Independent Review of quality arrangements under the MoJ language services Framework Agreement

Recommendation 5: Improve the ongoing quality assessment of interpreters

MoJ Response: Not accepted

The Department is clear that Capita TI's role is to ensure that interpreters working under the Framework Agreement comply with the required standards both in terms of their qualifications and their conduct. Under the contract, Capita TI is responsible for ensuring that the interpreters registered with them meet the required criteria. We have previously given assurances to Parliament that audit checks are taking place - security vetting and qualifications audits are undertaken on a monthly basis with results currently running at 100%.

Capita TI monitors complaints against interpreters, whether due to quality or because they did not turn up or arrive late. There is a disciplinary policy in place which means that interpreters who do not provide the service required can expect to be removed from the register, and unable to work under the contract.

We believe that this system is much more responsive than under previous arrangements. This is borne out by the rate of complaints, which remains very low. Statistics published on 16 October 2014 showed that between April and June 2014 the complaint rate stood at just 1.8% - the lowest of any quarter since the contract began in January 2012.

For these reasons the MoJ does not believe that further work is necessary to meet the requirements of this recommendation.

Government Response to the Independent Review of quality arrangements under the MoJ language services Framework Agreement

Review Observation: Independent Regulation

We fully support the observation that regulation of the interpreter profession is a positive step. In the longer term, it could potentially aid delivery of tangible benefits to the industry as a whole, not just the justice sector.

We share the viewpoint of the review that external organisations are best placed to undertake this role and although this is not within the Ministry's remit, we are keen to engage with professional interpreter organisations and with NRPSI to see how we can use their expertise on the potential development of a regulatory framework.

Government Response to the Independent Review of quality arrangements under the MoJ language services Framework Agreement



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