



Ministry
of Justice

Guide to language interpreter and translation services in courts and tribunals

1 January 2013 to 30 June 2016

Ministry of Justice

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Annex A: The language services framework agreement

The Ministry of Justice (MoJ) established the Language Services Framework Agreement. Services are currently delivered by Capita Translation and Interpreting (TI) 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.

- Face-to-face interpretation that can be divided into three tier-based needs:
Tier One: Interpreters asked to attend evidential face-to-face Assignments in a legal setting, where there may also be a written element. The interpreter is able to both speak fluently in the language required and is able to provide a written translation. This can include both rare and standard languages.

The interpreter must have one or more of the following qualifications:

- Chartered Institute of Linguists Diploma in Public Service Interpreting (DPSI) (English Law Option);
- Chartered Institute of Linguists Certificate in Community Interpreting, CCI (the forerunner to the DPSI);
- Metropolitan Police Test (post 1997) together with either a DPSI (Health or Local Government Option) or an Honours Degree or higher in Interpreting

Or

- Registration with the National Register of Public Service Interpreters (full or interim status);
- Membership of Association of Police and Court Interpreters;
- Membership of the Institute of Translation and Interpreting (Police Court Interpreter level).

Together with (in all cases):

- At least 100 hours public sector interpreting experience;
- References; and
- A pass at the assessment centre to the tier one standard.

Tier Two: the interpreter asked to attend face-to-face Assignments in a legal setting. 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.

The interpreter must have one or more of the following:

- 'Partial DPSI' (English Law option) i.e. the interpreter must have passed all modules with the exception of component 3b (written translation from English);
- A degree in linguistics, English philology, Modern Languages or MA in Teaching of English, or other language related diplomas where English figures as part of the course completed.

Together with (in all cases):

- Previous or current employment in criminal justice services in their countries of origin, legal training in the UK or abroad, or other exposure to criminal justice work through other channels is also acceptable (volunteer and/or paid work in the community for police services or work for Victim Support, for example);
- University level education (any degree);
- At least 100 hours public sector interpreting experience;
- References; and
- A pass at the assessment centre to the tier two standards.

Tier Three: The interpreter can provide a community-based face-to-face interpreting. This may not be to the standard that would be required for court, tribunal or other evidential requirement.

The interpreter must have one or more of the following:

- Demonstrable experience in the public sector with appropriate linguistic background;
- Formalised basic interpreter training including one of the following: the WEA programmes, Bi-Lingual Skills Certificates, Community Level Interpreting Degrees under the NVQ certification system.

Together with

- References; and
- A pass at the assessment centre to the tier three standard

It is also desirable for tier three interpreters to have at least 100 hours public sector interpreting experience.

Rare languages: Interpreters who offer a language where a formal qualification may not be available and where the language is listed on our Rare Tier List.

In the case of rare languages where the DPSI or equivalent qualification is not available, the interpreter must have the Cambridge Proficiency in English Certificate, or NRPSI registration (rare language category) 100 hours of public sector interpreting experience, evidence of continuous professional development, references and a pass at the assessment centre.

- 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.

Changes to the languages services contract

The current Language Services contract with Capita TI, that has provided interpretation, written translation and transcription and non-spoken language services to users of the Justice System since 2012, expires on 30 October 2016. The new contracts, effective from 31 October 2016, were signed in August and will be split across two suppliers, with a new independent quality assurance service provided by a third. Face to face and telephone interpretation, and translation and transcription services will be supplied by 'thebigword Group Ltd', 'Clarion UK Ltd' will provide services in non-spoken languages (e.g. British sign Language) and 'The Language Shop' will carry out independent quality assurance.

Annex B: Explanatory notes, data sources and data quality

The statistics presented in this bulletin covers face-to-face 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.

"-" = 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 face-to-face 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 bulletin uses raw data from the portal covering the period 1st January 2013 to 30 June 2016.

A review of requester type classification in 2012 led to a number of bookings being reclassified from 'Other' to 'Criminal'.

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 has been introduced 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 days. If the service extends over the end of a 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 occasions 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 Committee¹, 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 bookings made 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 those data are used.

For tribunals, off contract bookings 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.

¹ www.publications.parliament.uk/pa/cm201213/cmselect/cmjust/645/645.pdf

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 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

Operation 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 languages

Standard List Languages (41)

Albanian (all variants), Arabic (all variants), Armenian, Bengali, Bulgarian, Cantonese, Croatian, Czech, Dari (all variant), Dutch, Estonian, Farsi, French (all variants), German (all variants), Greek, Gujarati, Hindi, Hungarian, Italian, Japanese, Kurdish (Sorani), Latvian, Lithuanian, Mandarin, Pashto (all variants), Polish, Portuguese, Punjabi (all variants), Romanian, Russian, Serbian, Slovak, Slovene, Somali, Spanish, Tamil, Thai, Turkish, Ukrainian, Urdu and Vietnamese.

Special Services (4)

Deafblind (all variants), Lipspeak (English), Palantypists and Sign languages (all variants).

Rare Languages (176)

Acholi, Afrikaans, Akan, Amharic, Aramaic, Azerbaijani, Azeri, Bahara, Bahasa Indonesian, Bahasa Malaysian, Balochi, Bamanankan, Bambara, Bargo, Bemba Zambia, Berta, Bete, Bilen, Bisaya, Bosnian, Bravanese, Burmese, Catalan, Chechen, Chichewa, Chinese, Chittagonian, Creole, Daju, Danish, Dholuo, Dinka, Dioula, Edo, English (Pidgin), Eritrean, Eritres, Ewe, Ewondo, Fanti, Fataluku, Fijian, Filipino, Finnish, Flemish, Fon, Fra Fra, Fujinese, Fula, Ga, Gaelic (Scottish), Georgian, Gorani, Haitian, Hausa, Hawrami, Hazaraghi, Hebrew, Herero, Hindko, Hokkien, Idoma, Igbo, Ika, Ilocano, Ilonggo, Indonesian, Iranian, Ishan, Isoko, Jamaican, Jola, Jula, Kalabari, Kannada, Kashmiri, Khmer, Kibajuni, Kikongo, Kikuyu, Kinyamulenge, Kinyarwanda, Kirundi, Kokani Goan, Konkani, Korean, Krio, Kurdish, Kutchi, Lao, Libiyan, Lingala, Lozi, Luganda, Macedonian, Malagasy, Malawi, Malayalam, Malinka, Maltese, Mandinka, Maninka, Marathi, Mauritian Creole, Mirpuri, Moldovan, Mongolian, Moroccan, Ndebele, Nepalese, Norwegian, Oromo (Central), Otjiherero, Pahari, Patois, Peruvian, Potwari, Rohingya, Runyankole, Rutooro, Saho, Sangho, Setswana, Shao, Shona, Sicilian, Sindhi, Singalese, Sinhala, Soninke, Susu, Swahili, Swedish, Sylheti, Tagalog, Taiwanese, Tajiki, Tama, Telugu, Temne, Tetum, Tibetan, Tigrinya, Togo, Tswana, Turkmen, Twi, Uighur, Urohobo, Uzbek (Northern), Welsh, Wobe, Wolof, Yakan, Yiddish, Yoruba, Zaghawa, and Zulu.