

SITA

Scottish Interpreters & Translators Association

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Dear Committee Members

We write to apprise you of our serious concerns regarding the conferring of interpreting services in England to ALS, now a subsidiary of Capita Plc, which seems to be a clear attempt to create a monopoly within the Justice sector in England and Wales, such as that extant in Scotland.

The Scottish Interpreters and Translators Association (SITA) is the largest professional organization in Scotland. It was formed in 2009 in response to the creation of a monopoly within the Criminal Justice sector, in turn created by the awarding of the contract for the provision of interpreting and translating services in Scotland to a single supplier. If Scottish interpreters wish to continue working within the Justice system they must register with them and accept the main Contractor's terms and conditions. Despite being self-employed, they are expected to take any jobs the Agency deems fit to allocate to them. Their right to refuse a job which offers a rate lower than the minimum hourly wage is questioned and interpreters may face covert sanctions if they refuse work. Equally, their right to free speech has been compromised, and any interpreter unwary enough to voice any criticism of the system has been blacklisted, regardless of their qualifications and experience. Thus, some of the most gifted linguists have been barred from working within the CJS under this regime.

The £5.5m contract awarded by the Scottish Government was intended to create a streamlined interpreting service for Scotland's justice system which would improve both "quality" and "efficiency", according to the Crown Office. It was also expected to increase the number of professional interpreters and assure continuous professional development in order to improve overall conditions for professional linguists.

SITA maintains that the contract may well have achieved its cost-cutting aims, but has done so with scant regard to the profoundly deleterious effect which such penny-pinching has had on the CJS.

The introduction of a monopoly in 2009 negatively impacted upon any attempts to improve the quality of interpreting services, which was supposedly one of the principal aims of the Collaborative Tender.

SITA maintains that, as a result of the terms and conditions imposed on linguists following the award of the Collaborative Tender, there has been a movement away from the use of qualified interpreters, the latter having being replaced with persons endowed with little or no experience and/or qualifications, to the serious detriment of the services available to the criminal justice sector.

Professional interpreters in Scotland find it impossible to accept jobs through the agency, because travel time and travel expenses - which should have been included in the fixed hourly rate as stipulated within the original terms of the tender - are not so included. DPSI holders, or linguists with an equivalent university degree, are unable to work for the imposed rates, which do not reflect the professionalism of this industry. Many trained, experienced and qualified interpreters have had to question their future, or lack of thereof, in the field of interpreting. The answer to this question – for many – has been to leave the sector. The Scottish Court Service (SCS) requires interpreters with a DPSI in Scottish Law for court assignments. However, if the Contractor asserts that this is not possible, no further questions are asked by the CPS and the contracting agency is allowed to recommend another non-qualified individual to do the job. This has resulted in an influx of unqualified interpreters flooding the sector.

SITA is concerned about a clear conflict of interest, as no commercial agency should be allowed to set their own self-certifying criteria in place of those set by existing professional educational bodies (i.e. IOL, ITI etc.).

Unqualified interpreters, although verbally encouraged by the Contractor to do so, are not genuinely motivated to seek professional qualifications, as their rates are very low and it is not feasible for them to pay for the DSPI course and exam. They are allocated jobs, regardless of whether or not they are qualified, as the Agency strives to fulfill its contractual obligations. This results in bilingual speakers with no experience in court being sent to interpret there. For example Slovak interpreters are sent to interpret for Czech clients and vice versa although there is no language match. The requirement to ensure continuous professional development is flouted. There are failures to provide essential paperwork before each assignment (namely, a copy of the complaint). Monitoring as to the efficacy of the contract is carried out at occasional meetings between the contractor and procurement with no external input.

In 2010 the Scottish Court Service decided that it was necessary to introduce a mechanism whereby the courts can highlight occasions where the performance of the interpretation service had had an effect on proceedings, and reports are now being submitted; figures can be obtained from the SCS (e.g. 2010 – January 1, February 4, March 2, April 1, May 1, June 5).

The tender required amongst other things, a demonstrable increase of DPSI holders in Scotland (from 120 to 160 in Year One). The Contracting Agency failed to reach this number in Year One, with no penalty being imposed. The numbers of DPSI qualified linguists on their books may have grown since, but this does not necessarily mean that these same interpreters are carrying out the relevant work. The most recent figures available show that under 30% of all assignments are undertaken by interpreters holding a DPSI, this statistic being similar to that in 2009, before the introduction of the Collaborative Tender.

This is a very worrying situation, as the human rights of people who need language services are being violated, and defendants' rights to a fair trial under the European Convention on Human Rights are being undermined. Inadequate translation services could lead to foreign nationals escaping justice. In Scottish courts, defence lawyers have recently been challenging the quality of interpreting ever more frequently, which has led to trials being re-started, new juries having to be sworn in and public money being squandered; professional interpreters from England are being "imported", put up in hotels and engaged at great cost to the taxpayer, as the contracting Agency does not seem to be able to retain qualified local interpreters or to spend money on providing continuous professional development - this despite local linguists explicitly stating that they are willing and able to undertake these specific assignments for a fair rate of pay.

We are concerned that working conditions in Scotland for interpreters are poor and offer little job security. If there is no future in this field as a career, there will be a serious shortage of this service provision. Again, unless there is a dedicated Government training policy to avoid shortages of interpreters such as those already being felt in Brussels (in the case of English interpreters), we will continue to see the same difficulties arising again and again over the coming decade.

We would like to stress that the imposition of the "Scottish" model in England represents the wrong move and should be reversed. The public interest and the interests of Justice require the withdrawal of the Ministry of Justice Framework Agreement before any more damage is done to the CJS.

Yours sincerely

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