



Mr Brian Braid  
Category Manager  
Professional Services  
Crown Commercial Service  
9th Floor, The Capital, Old Hall Street, Liverpool L3 9PP

By email: [Brian.Braid@ccs.gsi.gov.uk](mailto:Brian.Braid@ccs.gsi.gov.uk)  
CC: [Pat.Desmond@ccs.gsi.gov.uk](mailto:Pat.Desmond@ccs.gsi.gov.uk)

4 April 2016

Dear Mr Braid,

*Professional Interpreters for Justice (PI4J) is an umbrella group representing over 2,240 interpreters from both the National Register of Public Service Interpreters (NRPSI) and the National Union of British Sign Language Interpreters (NUBSLI). Our aim is to work with government to ensure the quality of interpreting available to the Justice System and in the Public Sector.*

*Reliable communication provided by qualified professional interpreters and translators is an essential resource which ensures that justice and human rights are upheld for non-English speakers and deaf people. This is put at risk if standards are dropped and quality is sacrificed.*

*PI4J has been at the forefront of the professional interpreters' campaign against the unacceptable lowering of standards and quality in public service.*

**Re: Crown Commercial Service (CCS) Language Services Framework Agreement (FWA)**

On 25 March 2015 PI4J sent an email (copied below) to the CCS outlining our position with regard to the CCS Language Services FWA. To date we received no reply or acknowledgement from you.

**We understand that the CCS has informed the National Police Chiefs' Council (NPCC) that interpreters and their representative bodies are 'on-board' and support their FWA.**

**This is not the case.**

Our correspondence made it very clear that we cannot support any arrangements or FWA which does not fully take into consideration all our submissions in respect of minimum professional qualifications for Public Service Interpreters (PSI) and BSL/English Interpreters, Deaf interpreters and Sign Language translators, mandatory NRPSI/NRCPD/SASLI registration, and independent regulation and quality and performance auditing – as well as sustainable rates of pay for interpreters.

This FWA has not incorporated all our suggestions and concerns into the specifications and we do not believe it will fulfil the language demand and standards requirements for the Police Forces and other agencies serving the Criminal Justice System.

The interpretation service for the Police Services must be professional, impartial, and of the highest quality. The expertise of these professionals should be used, and they must be compensated in relation to their performance and training.

Interpreters and the organisations representing them are fearful of the consequences for Equal Access to Justice and Fair Trial for non-English speakers and the deaf, which may be put at risk if quality legal interpreting or translation is not provided.

There are inherent dangers to the delivery of justice that can arise out of inadequate interpreting or failure to supply an interpreter at all. The potential cost due to failed prosecutions and appeals also cannot be underestimated.

The margins for errors are huge, with misunderstandings and miscommunications not only wasting a lot of time but also not providing members of the public with a fair representation.

It is often the victims that are overlooked in this and they too will suffer if the standards are dropped and quality is sacrificed for profit.

In this framework if a supplier is unable to book a qualified interpreter they are allowed to settle for less. As we have seen with existing contracts and framework agreements, that may be anyone with a basic qualification. With little monitoring of government contracts, the agencies can do as they see fit.

It further appears that public services, which include the police, whilst wishing to maintain quality of the provision, show no appreciation for interpreters' unique skills, which need to be remunerated properly.

The CCS FWA system of competitive tendering means a bidding war between agencies to get their places, followed by further competition for contracts (call-offs).

Price-competitive tendering will cause a race to the bottom. It is clear that lowest cost tendering incentivises suppliers to deliver the lowest level of service that they can get away with. It drives down the prices but cannot deliver real value or quality.

This in turn can only mean a significant reduction in interpreters' payment rates and unacceptable terms of working conditions, decided upon by agencies concerned only with their own profits.

It is only a matter of time before there will be a gross miscarriage of justice on the basis of very poor interpreting if public services choose the cheapest rate over quality and experience.

The CCS FWA, whilst imposing a series of demands on the interpreters, 'is not intended to set out the contractual terms between the supplier and the interpreter as this is an 'umbrella agreement' and fee rates will be set by the bidders via an open and competitive procurement exercise'. We contend that it is a matter for the CCS too, as they will be responsible for the disruption which may result when interpreters refuse to work for the low fees that are likely to be offered by the agencies tendering for these contracts.

Low rates and inadequate T&Cs will not be able to attract and retain qualified, experienced interpreters. It is implicit that the service is going to deteriorate because of the quality of interpreters who will work at low rates.

The vast majority of professional legal interpreters have refused to work for the low-paying agencies, since, apart from the derisory terms and conditions on offer they reject the apparent contempt for standards and quality shown by them.

The Ministry of Justice (MoJ) FWA for the provision of language services is one example of competitive tendering which omitted to consider that interpreters are skilled professionals, and not commodities. Rates for interpreters were slashed to barely subsistence levels overnight, leading to the vast majority of interpreters choosing to boycott the new contract rather than accept Capita's pitiful pay and conditions. The changes in pay and conditions have led to an exodus of experienced and qualified interpreters from the courts.

The MoJ FWA was subject to a Public Accounts Committee (PAC) enquiry in 2012 and a number of hearings and reports. The MoJ seems not to have learned from that and we have learned that one major language service provider decided not to submit a PQQ for the current Ministry of Justice procurement process for language services due to the reputational damage any success may bring. Given that it is one of very few companies with a relatively trouble-free relationship with interpreters, we are concerned that they should reach this decision.

The MoJ FWA has already caused massive problems in the UK courts since it was rolled out in February 2012. **This situation must not be extended to the police forces.**

More recently, at the end of 2015, the Home Office (HO) decided to reduce their interpreters' rates. Following a Fair Payment Campaign by the HO interpreters and their representative bodies, including the PI4J, the HO delayed and then reversed their decision.

Interpreters made it very clear they would boycott HO assignments and not work for the proposed new rates. This debacle appeared on the front page of The Guardian newspaper.

An exit survey was recently conducted among the British Sign Language (BSL) interpreters, which shows many are considering leaving the profession. So are the spoken language interpreters.

Many of the skills held by professional linguists are readily transferrable to other occupations, which gives them great occupational mobility; if their needs are not met, they will simply choose to seek to earn a better living in other sectors. This exit of skilled and experienced interpreters from the profession will negatively impact upon the quality and availability of service provided.

**The message is simple: unless interpreters are offered sustainable rates and T&Cs, they will boycott this contract too.**

T&Cs need to be fair and not discriminate between spoken language and BSL interpreters.

Professional interpreters invest substantial time, effort and money to gain and maintain their skills. Their remuneration must reflect the fact that they are paid gross hourly rates as self-employed interpreters, liable to pay Income Tax and National Insurance, who have no pension, holiday or sick pay, and no job security. They further have to pay for professional registration and memberships, insurance, training and CPD. Furthermore, agencies are known to have transferred the burden of vetting costs to interpreters themselves.

It is important to point out that there has not been an increase in interpreting rates for many years now. They were further eroded by inflation and the growing cost of living in the UK, especially in areas such as London.

In addition, the cut-price employment terms imposed by all-encompassing frameworks and contracts usually fail to provide adequate reimbursement for travel time and travel expenses, making the rates even more unattractive.

The impact of the cuts places interpreters' livelihoods at risk and will mean that public service interpreting will no longer be a viable career. Interpreters are losing all confidence in the continued recognition and protection of the interpreter in this outsourcing to commercial agencies whose main aim will always be to increase their own profits.

Full support of professional interpreters and sustainable terms & conditions are the only way forward to ensure the quality and success of any future arrangements for the provision of language services in the public service sectors and to avoid a market exit.

We maintain that there could be more savings in the long term by investing in the establishment of a central government agency, which is "not for profit" and therefore does not seek to gain a pecuniary advantage from interpreters' work. This may achieve a streamlining of the system and thereby utilise interpreter services in a more organised and efficient way—dealing with the process of identifying and booking individual interpreters, as well as with the payment process.

It is our assertion that this FWA will lead to increased overall costs due to the additional management and supervision required to ensure the bare minimum requirement of the specification is fulfilled. Instead of focusing on short term financial savings, service providers must focus on performance and quality value.

Yours sincerely,

Professional Interpreters for Justice (PI4J)

**Professional Interpreters for Justice (PI4J) Member Organisations:**

Association of Police and Court Interpreters (APCI) – [chairman@apciinterpreters.org.uk](mailto:chairman@apciinterpreters.org.uk)

Chartered Institute of Linguists (CIOL) – [keith.moffitt@ciol.org.uk](mailto:keith.moffitt@ciol.org.uk)

Cymdeithas Cyfieithwyr Cymru (CCC) - [geraint@cyfieithwycymru.org.uk](mailto:geraint@cyfieithwycymru.org.uk)

Institute of Translation and Interpreting (ITI) – [chiefexec@iti.org.uk](mailto:chiefexec@iti.org.uk)

National Register of Public Service Interpreters (NRPSI) – [chairman@nrpsi.org.uk](mailto:chairman@nrpsi.org.uk)

National Union of Professional Interpreters and Translators, part of Unite the Union (NUPIT)

– [nupit@unitetheunion.org](mailto:nupit@unitetheunion.org)

National Union of British Sign Language Interpreters part of Unite the Union (NUBSLI)

– [branchsecretary@nubsli.com](mailto:branchsecretary@nubsli.com)

Society of Official Metropolitan Interpreters UK Ltd (SOMI) – [board@somiukltd.com](mailto:board@somiukltd.com)

## **Attached: PI4J's Statement of Objectives**

### **PI4J email re CCS Language Services Framework Agreement**

Email sent on behalf of Professional Interpreters for Justice (PI4J) to Crown Commercial Service (CCS)

**From:** Penny Arbuthnot  
**Sent:** 25 March 2015 12:36  
**To:** 'Desmond Pat'; Braid Brian  
**Subject:** CCS Language Services Framework Agreement  
**Importance:** High

Dear Brian,

#### **Re CCS Language Services Framework Agreement**

We are given to understand that the CCS will be moving forward with the tendering of the Framework Agreement (FWA) before the 30th March, without further consultation with or input from interpreters and their representative bodies.

PI4J wishes to make it clear that it cannot support any arrangements or FWA which does not fully take into consideration all our submissions in respect of minimum professional qualifications for Public Service Interpreters (PSI) and BSL/English Interpreters, Deaf interpreters and Sign Language translators, mandatory NRPSI/NRCPD/SASLI registration, and independent regulation and quality and performance auditing.

Without these safeguards, access to justice will be denied and human rights and race relations will be jeopardised.

Robust standards need to be set and vigorously enforced in order to protect the public and those we serve, which include many vulnerable people, victims and witnesses in the community and justice sector. They must be afforded equal access to the highest levels of linguistic support.

In addition, we reiterate that in order to attract and retain qualified and experienced professional interpreters and language professionals, equitable and sustainable terms and conditions need to be put in place.

Our members have demonstrated in the last three years - since the Ministry of Justice's outsourcing of the courts' language services - that they can and will refuse to work for low rates set by so-called 'market forces', thereby significantly reducing the pool of qualified interpreters and translators available to work in the public services.

Any arrangements and/or framework agreement that may significantly impact on the delivery of communication and language services in the public sector and especially in the justice sector, must be designed with the utmost care and with full and adequate consultation with interpreters and language professionals and their representative bodies.

However, consultation without the implementation of our input is meaningless.

We refer you to the guidance set out in the National Agreement (NA) for the Use of Interpreters in the Criminal Justice System and its high standards of professional qualifications and registrations, which resulted from years of policy development, consultation and cooperation between members of the justice sector, their language services, interpreters, interpreters' representative bodies and academic institutions.

Full support of professional interpreters is the only way forward to ensure the quality and success of any future arrangements for the provision of language services in the public service sectors.

FYI, please see attached a copy of the PI4J Manifesto which further details what we stand for.

Yours sincerely,

Penny Arbuthnot  
On behalf of Professional Interpreters for Justice

## Links:

[Professional Interpreters for Justice \(PI4J\)](#), includes links to Parliamentary hearings and dossiers of failings

[RPSI Linguist Lounge](#) and [Professional Interpreters' Alliance](#), collected news reports about the outsourcing of public service interpreting in the UK

[National Register of Public Service Interpreters \(NRPSI\)](#)

[National Registers of Communication Professionals working with Deaf and Deafblind People \(NRCPD\)](#)

[Scottish body for training and qualifying British Sign Language interpreters \(SASLI\)](#)

[National Union of British Sign Language Interpreters \(NUBSLI\)](#)

*The Guardian*, 15 January 2016 - [Home Office drops plans to cut interpreter wages after boycott threat](#).  
[www.theguardian.com](http://www.theguardian.com) > World > UK News > Immigration and asylum

NUBSLI, 18 March 2016 -[An Uncertain Future: results from profession exit interview](#) As a response to concerns about BSL/English Interpreters leaving the profession, reducing their hours or diversifying their income, NUBSLI established a Profession Exit Interview. A report on the findings has been published.

**We Own It** [@We\\_OwnIt](#) 5 reasons not to privatise sign language interpretation <http://buff.ly/1q5ojhI> [@NUBSLI](#)  
[#FeesFightback](#)

**[Can a Justice Provider provide justice or even save money?](#)** Price competitive tendering has already been introduced into the criminal justice system. Court interpreting services were put out to tender. The cheapest tender won. Interpreting services in court since this was introduced are shambolic. It is common for the court and lawyers to wait all day at court for an interpreter to arrive. In a recent case a crown court was kept waiting for two days because the company providing interpreting services could not send an interpreter to court. Most interpreters who provided a professional service before refused to work for the low pay offered by the company. The quality of interpreters plummeted. The government have just bailed out the company who provides court interpreting services with tax payer's money. More tax payer's money has been wasted in keeping courts waiting for interpreters to attend.

**This is the example that the government seeks to follow by introducing tendering to police services.**

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## [The Wrong Way to Interpret Justice](#)

In a [new report](#), the [Association of Translation Companies \(ATC\)](#) has demanded a major overhaul in how the public sector buys language services, so that "achieving value for money should not be at the expense of ensuring a high quality service." According to the report, "the public sector is one of the largest users of language services in the UK" and "such services are essential for millions of people."

At a time when the [Crown Commercial Service](#) and the [Ministry of Justice](#) are in the process of procuring language services worth hundreds of millions of pounds of taxpayers' money for government departments the report points out that achieving value for money should not be at the expense of ensuring a high quality service, whilst a failure to provide satisfactory language services – translation, interpreting and signing – can cause extra cost to the public purse.

According to the ATC, a focus on saving money at the expense of service quality has also led to a 'critical shortage' of skilled language professionals unwilling to work in the public sector, meaning the government may struggle to meet its future language service requirements since most service providers are self-employed independent professionals.

It was a [fatal incident](#) due to the provision of an interpreter for the wrong language and gender and cultural insensitivity on the part of the court system at the time that in part led to the creation of a [National Register of Public Service Interpreters](#) in 1994, and not market forces.