

Submission

To: [REDACTED]

cc: [REDACTED]

Date: 18 November 2009

(And as covering email)

From: [REDACTED]

Tel: [REDACTED]

Subject: The future of public service interpreting in the Criminal Justice System

Issue

Update on progress since our last submission. You are meeting officials to discuss this subject on Monday 23 November.

Recommendation

2. That you note the progress made since July and, subject to your and copy recipients' views, the direction of travel.

Timing

3. Routine.

Background

4. There are significant concerns about the cost, quality and availability of interpreters and much criticism of the current arrangements from CJS agencies and from interpreters themselves. My submission of 17 July (at **Annex B**) set out a range of options and recommended that you agree in principle to establish a Government register of interpreters, run under

contract by an external provider, subject to our doing further work to ensure that it is, in fact, the best option. The submission noted however that whilst we were aware, from several highly vocal interpreters, of their concerns about the current arrangements, we needed to take steps to ensure we had a more representative view from among the profession.

5. You agreed with our approach and asked us to look at the costs and efficiency of having a register run by the Ministry of Justice as against its being run by a private sector company.

6. The present submission provides an update on progress, including what we have learned through a series of four “road shows” we ran for external stakeholders. These took place in London, Cardiff, Manchester and Newcastle in September and October and were attended by interpreters, trades union officials, commercial interpreting agencies and representatives from the police and probation. In all we had about 120 attendees, the vast majority of them practicing interpreters.

Argument

7. The practical question we are trying to answer is how best to ensure the right quality of interpretation at a price the CJS can afford. In other words, it is not a matter of whether we prioritise quality *or* efficiency - we need to deliver on both. This was made clear to the interpreters at the road shows, many of whom (understandably perhaps) would like us to major on quality but are not so keen to engage with the Department’s desire to save money.

8. **Annex A** sets out the learning from the road shows. I think the position now, setting this material alongside what we already had, is as follows.

9. First, just about all the interpreters we met are of the view that there are serious problems with the quality of interpretation and that this is largely due to the use of unregistered interpreters, and particularly the increased use (principally by the police and probation) of private companies (agencies) which sometimes pay a low hourly rate which impacts on the quality of the interpreters prepared to do the work. The majority of interpreters seem opposed in principle to the use of agencies and, because of the many failings of the existing National Register,¹ would like to see the Ministry of Justice set up a new national register that would guarantee

¹ Our earlier submission explained about the current National Register or, to give it its full name, the National Register of Public Service Interpreters (NRPSI) run by the Chartered Institute of Linguists. It has been discredited and no-one appears to want to save it – not us, not the police, and not the vast majority of interpreters we have talked to.

quality. They would then like to see use of interpreters from the new register made a mandatory requirement for the police, probation etc.

10. We don't disagree with the interpreters that there are problems with quality but we are firmly of the view that their opposition to agencies is unrealistic and that use of agencies does not have to mean compromising quality. It is true that there are examples of poor practice by some agencies, however agencies are already an important part of the solution for the CJS and we see their role expanding as an essential means of improving efficiency. Nor can we agree with them that the use of qualified and registered interpreters should become mandatory in every case – the Home Office and ACPO could not agree to this because there will always be exceptional operational circumstances in which the reality is that having someone is better than having no-one.

11. Most busy police stations and courts would prefer to be able to make a single telephone call to get an interpreter – they do not want officers and administrative staff wasting time working down a list of names, making call after call, until they find someone who is available and who is close enough to get to the station/court in reasonable time. This is a major attraction of using agencies.

12. The police's need to reduce the burden of finding interpreters could also be met, as some interpreters would like, through a central (perhaps government run) call centre, or alternatively through a modern real-time website that would give them access to the new government register we proposed in our earlier submission. But these solutions would not deliver the wider cost savings that would accrue from using agencies to provide interpreters; evidence from Thames Valley and Greater Manchester police, for example, is that they have achieved savings in excess of 30%.

13. My earlier submission noted that the requirement under articles 5 and 6 of the ECHR is to provide interpretation for those who need it who are arrested or charged with a criminal offence and those facing criminal proceedings in court. This means that in addition to the police the principal interest here is for HMCS and also, to a lesser extent, for probation in their role of providing Pre-Sentence Reports to help the court decide the right sentence.

14. Unlike the police, who were the subject of much criticism at our road shows for their use of agencies, HMCS were not subject to such criticism and were praised for making sure they use properly qualified interpreters. (For their part, HMCS have concerns about interpreter conduct in some cases: there was recently a criminal conviction of someone who pretended to be a qualified interpreter). Probation, like the police, were criticised at the road shows for using agencies that provided unqualified interpreters and it

seems that all probation areas/trusts have chosen to go down the agency route.

15. Following the last road show a meeting between ACPO and officials from Better Trials Unit, HMCS and MoJ Procurement has helped us be clear about the way forward though there remains an outstanding issue which we have not yet bottomed out and which we will discuss with you. It is considered in paragraph 18 below.

16. We all agree - ACPO included - that it makes sense for MoJ Procurement to develop a draft contract for the provision of interpretation services that the police, HMCS and probation can use to engage agencies. Among the benefits of this approach are that:

- It removes the burden from operational staff to administer and source suitable interpreters and stops interpreters continually touting operational staff for work. Operational staff are therefore freed up to focus on core activities
- Quality levels would be defined, achieving a step change in quality supported by a new service level agreement.
- The contract would be legally binding with appropriate financial penalties and legal redress.
- It would help to achieve a more standardised approach across England and Wales.
- Risks associated with the provision of interpreters such as managing the vetting process, booking, non-attendance at court and fraudulent activity can be transferred to the outsourced provider.
- The overall cost to the business would be lowered at a time when achieving savings across the CJS is essential.

17. We also think a contractual approach will help us address the issue of the current insufficiency of interpreters in certain languages and in certain areas. It is worth making the point that this ought not, in fact, to be an issue at all since there would appear to be no lack of foreign language speakers around the country who would make good interpreters - the difficulty has been to get them to come forward and qualify. (Annex A sets out the costs they face – both of qualifying and of joining the current NRPSI register. For many these costs act as a disincentive but some agencies are prepared to support people towards qualification.)

18. Officials have yet to agree among themselves whether the question of quality can be left to the contract, or whether we also need the new register I proposed in my last submission (and which interpreters are keen to see), to which the quality/suitability section of the contract would then refer. A new register supported by modern IT would provide a simple, efficient and transparent way to check that the right standard of interpreters is being used but there would of course be costs associated with setting it up and running it. These are dealt with at paragraph 21 below.

19. Whilst the police, HMCS and probation are keen to have a standard contract available for them to use - and our intention is that there will not be an alternative available - it will not be mandatory that they go down the contracting route. We think most police forces will want to do so, either replacing an existing contract with ours or, having considered the benefits, choosing to contract for the first time. We also think probation and HMCS will embrace it. But some police forces will choose not to and we expect the Metropolitan Police to be among them². In these cases it is unclear how the Government could ensure that the police used interpreters of an appropriate standard without a register. In any event there will be a transitional period of at least a few years before use of the new contract has built to its maximum extent.

20. Going forward, therefore, we are looking at a mixed picture across England and Wales so it makes sense to explore the register option further. Subject to your comments on Monday the next stage for officials is to set up a project with basically two linked work-streams, one looking at development of the contract and the other looking at further work on a register.

Indicative Costs of a new National Register, run either in-house or outsourced

21. A register similar to NRPSI but run internally by the Ministry of Justice has been estimated to cost between £650,000 and £1million in the first year and between £300,000 and £500,000 thereafter. These figures are considerably higher than we expect but have been inflated to be on the safe-side and avoid undue optimism at this early, pre-project stage.

22. The figures break down as:

- Start-up costs of between £250,000 and £350,000 which includes designing and populating the database, website and hardware and advertising across the public sector.

² We understand that the Met, partly with the 2012 Olympics in mind, have decided to train some of their own staff and also to employ some interpreters permanently to help meet their interpretation needs.

- Operating costs of £300,000 which includes software licenses, infrastructure maintenance and staffing costs. These staffing costs account for six full time staff, mirroring resource levels currently employed by NRPSI, at £30,000 each and with a 25% management overhead.

23. More accurate costs will emerge once we have a more detailed specification of requirements associated with the functionality of the register.

24. Outsourcing the development and maintenance of an equivalent register would require lower start-up and development costs as the provider would adapt their own technology rather than start anew. The operating costs would also be lower as they would be spread over a range of business operations and there would be economies of scale.

25. To some extent the costs – either of an in-house or outsourced solution - could be offset by charging interpreters to be on the register, as is the case with the existing NRPSI register.

26. Interpreters at the road shows said that they were willing to pay registration fees as long as there was benefit to them in being on the new register. Currently the National Register has around 2000 interpreters and our aim with a new register would be to have many more than this. The current rates to be on the National Register are £173 to interpret in one language, £203 for two and £233 for three.

Parliamentary/media handling

27. Among the interpreter community the road shows have bought us some time. Vociferous critics of the current arrangements

understand that we are working up options for ministers to consider. They know, as I indicated earlier, that the Government has to be concerned both about quality and cost.

28. At the moment there is little correspondence from MPs on this subject but potential for greater parliamentary interest. Recent changes to arrangements in Scotland attracted attention in the national press and interpreters in England and Wales will go straight to the press and their MPs once it becomes clear (subject to your and copy recipients' views) the direction in which we are going as regards use of agencies. A WMS would probably be appropriate in due course but not this side of Christmas.

Clearance

29. This submission takes account of the views of the Home Office Policing Powers and Protection Unit, ACPO, HMCS, MoJ Procurement and NOMS.

[REDACTED]

Learning since July

The issues that have arisen from our work in the last 3 months, principally through the road shows but also through other consultative work with stakeholders, has resulted in the following issues arising.

1. The quality of interpreting in the CJS

- Most of the interpreters who attended our road shows felt quality was a big problem and blamed this on commercial interpreting agencies supplying unqualified interpreters. (It should be noted that it is hard to exaggerate the degree of antipathy many interpreters feel towards commercial agencies. A third of NRPSI registered interpreters refuse permission for their details to be given to commercial agencies.)
- The national qualifications in interpreting are the Diploma in Public Service Interpreting (DPSI) and the Metropolitan Police test. Interpreters without such qualifications are 'unqualified' yet their working in the CJS is not necessarily of concern to us – or to the police - as they may be perfectly competent to do the job. On the other hand there is no agreement on other acceptable methods of verification of expertise.
- The question of qualification/suitability to work as an interpreter has emerged from the road shows as a tricky issue and will need careful teasing out. The principal qualification, DPSI, is available in 47 languages but the police' experience in engaging interpreters is that even "qualified" interpreters can sometimes turn out to be unsuitable. The biggest issue would seem to be poor spoken English

2. The cost to interpreters of obtaining qualifications

- There are two costs to qualified interpreters: (i) fees to obtain the appropriate qualification and (ii) fees to get on the current register. The fee to sit either the DPSI or the Met Police test (not including the cost of tuition) is around £650. The fee to be on the National Register is £173 per year for one language, £203 per year for two languages and £233 per year for three.
- Interpreters attending the road shows were almost unanimous that they are happy to pay a fee to be on a national register so long as it is an effective one.

- However, very few interpreters who speak Asian or African languages attended the road shows and the police are of the view that it is particularly in this group that there is a shortage of qualified interpreters. We have had some helpful information passed from the WITS (Wales Interpretation and Translation) project to the effect that the cost of obtaining the qualification is a significant deterrent to this group. This seems likely, since the interpreters from this group who are used by the CJS are often members of the community who speak English as their second language. Without wishing to generalise too much, individuals who are from newer immigrant groups are more likely to be struggling financially and it is of course the case that completing the courses and being registered brings no guarantee of work.
- Evidence from the WITS project indicates that approximately half of newly qualified NRPSI interpreters in Wales over the past few years were sponsored to do the exam by a commercial interpreting agency (who then had the benefit of NRPSI registered interpreters on their books). Police forces in the North West of England have obtained a grant from the Immigration Fund to train interpreters and put them through the Met test to try and improve their local pool. Some other forces are funding their own interpreters through DPSI training to help service their requirements. This also makes sense financially as some CJS agencies (in particular probation in South Wales) have complained that their travel costs for interpreters are huge as they often have to bring interpreters from far away.

3. Is there a shortage of interpreters?

- We have received vastly differing reports on this. Though HMCS do not see it as a problem, the police are adamant that there is a shortage (obviously varying geographically). The interpreters at the road shows were, on the whole, equally adamant that there are enough registered interpreters but they are being overlooked by police forces using agencies, due to NRPSI's failings and inaccessibility.
- In reconciling these views it is important to remember the vested interests behind them. Registered interpreters are keen to get more work as individuals and do not necessarily want more interpreters to compete with. Equally many police forces are currently using interpreters not on the NRPSI and need to justify that usage.
- The general picture however seems to be that the main European languages are not, generally speaking, a problem, especially in the big metropolitan areas. It is the rarer and Asian and African

languages in other areas (e.g., Wales, the North West of England) that are causing the real problems. There are no central figures kept but local police forces and courts responsible for booking interpreters will know which are the languages they struggle to find interpreters for.

- This also relates to the point made above that the issue is a shortage of trained, qualified interpreters rather than of speakers of the required languages who, with training, would make perfectly acceptable interpreters.

4. Security Checks

- The current situation is unsatisfactory. Using NRPSI is supposed to guarantee security of a certain level but in reality it is inadequate.
- NRPSI required just a basic CRB check until 1 October 2009 when the level was increased to enhanced disclosure. A basic CRB is widely felt to be inadequate and ACPO are looking into revising their guidance on this. It will not cover terrorist links or offences where, for whatever reason, a conviction was not obtained (eg, Ian Huntley). The WITS project in Wales saw Gwent police do police checks (against the interpreter, their immediate family members and anyone living with them and checking this against local police data on their previous addresses) on NRPSI interpreters and 10 out of 24 failed, some for serious offences.
- NRPSI requires a new CRB every 4 years but in reality this is done on a random spot check basis. There is therefore a significant risk that a registered interpreter could be convicted of an offence and yet remain on NRPSI.
- A further problem is that it may take some time for a person to be brought to trial and that during this period they may still be working as an interpreter. Anecdotal police evidence is that this frequently happens and that certain people currently on the NRPSI are on police 'black lists' as they know they are not appropriate individuals to be working in the CJS. However, other police forces or CJS agencies will not know this and the person may therefore still be getting work in the CJS.
- Currently the police are not confident that the National Register is adequate to ensure security checked interpreters. To some extent police co-ordination can address these concerns, as the WITS project did. The systems and staff for the police to undertake security

checks are already in place and as long as there was not a sudden influx, interpreters could be processed gradually. However, this would either involve one force volunteering to process checks for the entire country or fragmented and localised checks across individual forces. Further, the police have already expressed a desire to reduce their administrative burden.

- Anecdotal evidence is that some interpreters double book themselves and send a friend/relative along to one of the jobs. For example, this happened in a Manchester terrorism case and it was only noticed when a police officer spotted that it was not the same man who had previously worked for them under that name. Obviously no matter how effective the system, there will be some unscrupulous people who will try to get around it. This problem can only really be tackled through a rigorous ID system, including the training of front-line staff to check ID.



Submission

To: [REDACTED]

cc: [REDACTED]

Date: 17 July 2009

[REDACTED]

From: [REDACTED]

Tel: [REDACTED]

Subject: The future of public service interpreting in the Criminal Justice System

Issue

Options for reforming the provision of interpretation in the CJS.

Recommendation

2. That you agree *in principle* that a Government register of interpreters should be established, run under contract by an external provider. We will explore this option further and come back to you later in the summer with advice on which you can make a final decision.

Timing

3. Routine.

Argument

4. There are significant concerns to do with the cost, quality and availability of interpreters and much criticism of the current arrangements. [REDACTED] began looking at this subject earlier this year and at a meeting

with officials in May asked for detailed advice. This submission provides the advice she sought including (at **Annex A**) a full analysis of the options we have identified. At one stage the possibility of a public consultation was discussed but in the end [REDACTED] was not persuaded of the need for this, seeing it as unlikely to provide information we could not get through other means and potentially delaying reform.

The current situation

5. Under Articles 5 and 6 of the ECHR the UK must provide interpretation for people who are arrested or charged if they need it. The *National Agreement on Arrangements for the Use of Interpreters, Translators and Language Service Professionals in Investigations and Proceedings within the Criminal Justice System* (the “National Agreement”) governs the use of interpreters in the CJS. There is a National Register of Public Service Interpreters (the “National Register”), which is a not-for-profit subsidiary of the Chartered Institute of Linguists. The National Agreement is supposed to guarantee reasonable standards of qualification, experience and security vetting and sets a “standard requirement” for the police and courts to use interpreters from the National Register.

6. Under PACE Code C it is the responsibility of chief police officers to provide interpreters at the police station and to use, wherever possible, interpreters from the National Register. The National Agreement only has the status of guidance and does not compel the police to use registered interpreters. While some police forces use interpreters from the National Register many outsource to commercial agencies which book interpreters on their behalf. This is often driven for example by the shortage of interpreters and the need to obtain an interpreter within the statutory time limits on a suspect’s detention under PACE. Many registered interpreters are reluctant to work for agencies (about a third have withheld permission for their contact details to be passed to agencies), and some are concerned that outsourcing leads to lower standards. Currently there are too few registered interpreters to meet the demands of the CJS.

7. The police and some interpreters are dissatisfied with the National Register. The police have criticised it for a lack of accountability and for failing to provide enough interpreters in some areas and in emerging or rare languages. The Association of Chief Police Officers (ACPO) have described the current arrangements as “not fit for purpose”. Some interpreters have criticised the register for failing to represent their interests or provide any benefit, for passing their personal data to commercial agencies and for a perceived lack of transparency and accountability. It is uncertain precisely how widely these views are held, given that interpreters are not represented by one organisation, but we believe them to be

widespread. There has also been criticism of the usefulness of the National Register's database.

8. Concerns about the cost of interpretation have been highlighted by the police and by HMCS. These include interpreters' fees; the impact on proceedings when interpreters fail to turn up; and the staff time and resources used to find, contact and book interpreters. HMCS and the police have also had problems with false identity and fraudulent use of ID cards.

Options for reform

9. The options we have identified, which are examined in detail at **Annex A** including the pros and cons of each, are as follows:

- 1) work with the current management of the National Register to reform the system;
- 2) a Government register of *interpreters* for the police and courts that is either:
 - a) run by MoJ; or
 - b) run by an external provider on behalf of MoJ(A Government register might also be combined with the establishment of a procurement framework to select and regulate agencies providing interpretation);
- 3) a procurement framework (without a Government register) to select commercial providers of interpreters. Contracts could then be established between police/courts and providers which stipulate specific requirements for the provider and the standard of interpreters they must provide;
- 4) a Government register of approved *agencies* providing interpretation services, to be selected via procurement.

10. We favour Option 2 b. This option would increase the number of interpreters and safeguard the quality of interpretation because interpreters would need to have certain qualifications, experience and vetting in order to register. It is also the most likely option to be acceptable to the police, the courts and interpreters. We think it would be better for a Government register to be run on our behalf by a contracted provider rather than by MoJ itself. A contracted provider, unlike MoJ, would already have the expertise and resources to establish and professionally run a register. This is likely to make the register quicker and less risky to establish. A provider would be expected to offer a more extensive service than MoJ, for example producing ID cards and better management information, and promoting interpreter training and qualification to increase numbers.



11. There is a risk that, at the point at which the decision to set up a Government register is announced, those running the current National Register might refuse to provide registered interpreters' details. This would make setting up the new register less straightforward and there could be an operational impact if the current National Register were to close or collapse before the new one was up and running. We will need to consider (with MoJ Procurement) how best to obtain the details and contingency plans if we cannot get the data (such as advertising the new register to interpreters) as part of our research.

12. Establishing a Government register would obviously incur costs for MoJ. Working with OGC, initial costs and risks have been identified (see Annex A) but more work needs to be done before we are in a position to ask you to make a final decision. We need to consider, for example, the extent of the tasks the new register would perform and the cost of doing so; also, how interpreters' details would be obtained from the National Register or otherwise to ensure continuity.

13. In addition to a Government register, MoJ Procurement support the establishment of a procurement framework to regulate contracts between the police, courts and providers of interpreters and ensure the CJS uses competent providers. Currently, the use and costs of interpreters in the CJS are not consistently monitored or regulated. OGC are currently establishing a procurement framework, in liaison with the police. The creation of a Government register would not preclude this or a similar procurement framework; this is for the police and courts to take forward.

14. There are two further developments to support CJS stakeholders that have been suggested by the police and the Home Office. The first is to create a set of standards for interpreters working in the CJS which reflect interpreters' knowledge and experience of specific types of criminal justice work (e.g. police work with vulnerable children), as well as qualifications and more general public service experience. These might be reflected in the search engine of a Government register run by an external provider. The second suggested development is a call centre facility for interpreters; this might be done by the providers chosen via the procurement framework. Such a service would reduce significantly the pressure arising from obtaining interpreter services, particularly at the police station.

Public consultation

15. [REDACTED]'s inclination, when she first looked at the issue of interpreters earlier this year, was to publish a consultation paper seeking views on the best way forward. At that point (March) we had yet to identify all of our four options, let alone explore them in any detail. In May,

however, following further advice and a meeting with officials, she felt the preferred option might be sufficiently clear that a consultation could be avoided, allowing us to move more quickly to implementing reform, but first she wanted to see the analysis of options provided by the present submission.

16. Our view now is that a public consultation is unnecessary. Whilst it is important to consult interested parties this can be done in a more targeted and quicker way as part of the further research we need to do before we come back to you for a final decision. The GMB Union has recently been working with representatives of the disparate interpreting groups and we see this as a potentially helpful communication channel, for example. We do not consider that the large number of responses that would probably flow from a formal public consultation is likely to give us anything extra that would justify the time and expense.

Parliamentary /media handling

17. There is a steady trickle of correspondence from MPs and the occasional PQ. [REDACTED] (when she was at the Home Office) replied to a sparsely attended debate on the police' outsourcing of interpreters on 11 March. Parliamentary interest will doubtless increase as word of what we have in mind gets around but we do not see this as an issue with a potentially high profile. A VMS would seem a suitable vehicle for an announcement once we have one to make. Media interest would likewise appear minimal. We will prepare suitable lines but are not minded to be more pro-active with the press.

Clearance

18. In preparing this submission we took account of the views of the Home Office Policing Powers and Protection Unit, ACPO, HMCS, MoJ Procurement and Buying Solutions (an executive agency of the Office of Government Commerce, responsible for procurement).

[REDACTED]

ANNEX A

Option 1 - work with the management of the National Register to reform the system

The National Register is slowly being reformed. The Register's management is establishing a panel to review the Register's role, operation, governance and the professional support it provides to interpreters. The panel plans to invite views from stakeholders, including the police, HMCS, CPS and probation, before reporting with recommendations to the Council of the Chartered Institute of Linguists in September. The Government could seek to guide these reforms by liaising closely with the panel and the Council. We could provide funding to try to increase the number of registered interpreters, for example by reducing registration and examination fees. The cost is uncertain, and we and the Home Office would advise caution in providing funding.

Pros

2. This option is most likely to have the co-operation of the management of the National Register, who own the list of interpreters.

Cons

3. This is unlikely to satisfy those interpreters who have criticised the management of the National Register. If their concerns are representative (as we believe they are), the number of registered interpreters will not increase substantially under the current management – and we need numbers to rise. This option would lack police support, given their concerns about the register's effectiveness. The register's management could also reject our suggested changes (for example, they have shown no enthusiasm for establishing a national call centre, which has been suggested to them in the past).

Option 2: a Government register of interpreters

4. Under this option the MoJ, or a contracted provider on its behalf, would establish and maintain a register of interpreters. It would not be possible to remove the discretion of chief police officers but PACE could be amended to require the police to use interpreters on the register unless there are exceptional circumstances to justify use of non-registered interpreters, with any departure from use of the new register having to be recorded, with reasons, on the detainee's custody record. The MoJ could set a scale of standards for registration, with a compulsory order of

preference to be used only if an interpreter at the highest level is unavailable. The register would have an online search facility (password protected) which the courts and the police (or agencies on their behalf) could use to find interpreters.

5. A Government register would not preclude a procurement framework to regulate contracts between police forces/courts and providers of interpreters, and ensure competent providers are used. (The establishment of a procurement framework is described under Option 3 below.)

Pros

6. This option ought to increase the number of registered interpreters. It would safeguard the quality of interpretation by setting mandatory standards for registration, thereby ensuring that the Government is complying with ECHR Articles 5 and 6. A Government register could also carry out and maintain security vetting (which the police have raised as a concern).

7. The police and courts would be happy with this option (particularly if it is combined with a procurement framework, which they favour) and we think, probably, so would interpreters. The police and courts would still be able to use agencies for booking – provided those agencies are supplying interpreters from the register. Some interpreters have also voiced support for a Government register.

Cons

8. This option will undermine or render obsolete the current National Register's management. There is a risk that they may refuse to sell or give MoJ the registered interpreters' details: this would make establishing a new register less than straightforward and there could be an operational risk until the new register was up and running.

9. There is also a risk that interpreters may need encouragement to register, although making registration mandatory for CJS work will be a strong incentive. If the police can still use agencies to book interpreters from the register, interpreters may be concerned about agencies' rates of pay and use of their personal data. Although interpreters have suggested a Government register, it is possible that there could be concerns about interpreters having insufficient involvement in its management.

10. This option would involve costs for MoJ, either for running the register in-house or for contracting a provider to run it. If it were run by MoJ, the principal costs would be the salaries of the team running the register and establishing a database. OGC's initial estimate of the cost of

providing an electronic database is between £60,000 and £70,000 a year. The cost of the register would also depend on the tasks it performed, for example whether it did security checks, had a role in encouraging interpreters to qualify or produced ID cards for interpreters.

Option 2 (a): a register run by the MoJ

11. This option would require a team of MoJ officials to establish and maintain the Government register.

Pros (compared with contracted provider)

12. This would give MoJ direct control of the register. Many registered interpreters would probably prefer this to a register run by a commercial provider, given their concerns about agencies. This in turn might make them more likely to register. However, if the register were run by a contracted provider, we would mitigate interpreters' concerns by ensuring that the provider did not also act as a booking agency.

Cons and risks (compared with contracted provider)

13. There are no existing resources or expertise in OCJR to run a register on this scale. Recruiting staff and setting up the database would take time and incur cost. An in-house team would probably provide a less comprehensive service than a provider who is already used to this type of work.

Option 2 (b): a register run by a contracted provider

14. This option would involve MoJ Procurement investigating working with OGC to arrange a contract between MoJ and a commercial provider, using criteria set by MoJ (but with which the Home Office would also have to be content). The provider would establish and maintain a register. The contract would specify that the same provider could not run the register and provide a booking service for the police, to avoid concern that the register is agency-dominated. MoJ would oversee management of the register through setting requirements the provider must meet and setting key performance indicators.

Pros (compared with register run by MoJ)

15. This option is likely to make the register faster and less risky to establish, as the provider would have suitable IT, staff and skills in place. Estimates suggest that the register would take around 6 months to establish once we have specified the requirements the provider must meet (depending on whether we can obtain interpreters' data from the current

National Register). The provider would be able to provide a more comprehensive service than an in-house team, for example promoting training and qualification to increase interpreter numbers, producing ID cards and providing management information (although a more extensive service would incur additional costs).

Cons and risks (compared with register run by MoJ)

16. Some interpreters might be reluctant to register if the register is run by a commercial provider rather than by the Government itself.

Option 3: a procurement framework (without a Government register)

17. This would involve establishing a procurement framework on its own (i.e. without a Government register) to select commercial providers of interpretation. Contracts could then be established between courts and police forces and providers which stipulate specific requirements and standards for the interpreters provided. For example, the OGC is currently producing a national framework agreement for the provision of interpretation to the public sector. It is working with several government departments which have an interest in interpretation. The framework agreement will describe the broad requirements that public sector organisations want interpretation providers to meet. OGC will run a tender based on the requirements in the framework, and select a number of providers who will be contractually obliged to meet those requirements. Under this option, police forces and courts could opt in to such a procurement framework. Police forces and courts could then choose to run further competitions between the successful providers, and produce individual contracts specifying the standard of interpretation they require.

18. There would be no cost to CJS departments and the police for arranging the procurement framework and further contracts other than staff costs for time spent drafting requirements and evaluating providers' responses. However, there might be increased costs for the police and courts if they specified higher standards of interpretation in their contracts with providers, and the providers therefore charged increased fees. It is difficult to predict the extent of this potential increase as it would be affected by factors such as the outcome of the tender and the standards set in the contracts.

ros

A procurement framework would have the support of the police and MCS; it would give them maximum flexibility, and it was advocated by PO.



Cons

20. MoJ Procurement and OGC believe, and we agree, that this option also requires the existence of an effective register as a source of interpreters of a guaranteed quality. Without a register it would be difficult for the CJS to check whether the providers' interpreters met the required standards. Furthermore, unless it was mandatory for the police to use a particular source/quality of interpretation, or give reasons for not doing so, it would also be difficult to ensure the police specified the necessary standard in their contracts. Government cannot specify a particular standard in the procurement framework, because it applies to several departments with different requirements for interpreters' qualifications. CJS ministers could not compel police forces to specify particular standards in their individual contracts with providers because we will not be party to the contracts. Even if we could persuade the police to specify our standard, there would be little we could do if they later changed their minds. It is likely, therefore, that concerns about the standard of interpretation would persist. This option would also probably be unpopular with interpreters who are currently on the National Register, who might perceive it as undermining standards and favouring commercial agencies whose pay and practices they have criticised; they might therefore be reluctant to work for the CJS and move to other areas of the public sector. The procurement framework might therefore function alongside Option 2 but we doubt that it would be effective on its own.

Option 4: a Government register of agencies providing interpretation services

21. This involves establishing a Government register of approved *agencies* providing interpreters (as opposed to Option 2, a Government register of individual *interpreters*). MoJ would specify requirements for the agencies, run a tender and the successful agencies would be registered. Police forces and courts would then select agencies from the register and arrange individual contracts with them. MoJ could produce standards for CJS interpreters, and the police and courts could specify those standards in their contracts; the agencies would then be contractually obliged to provide interpreters of that quality. This would involve amending PACE to say that police forces should (but not "must") use an agency from the register, and use the MoJ standard for interpreters in their contracts.

Pros

22. The agencies would provide funding for the register via a registration fee. They would also take responsibility for the administration of



interpreters, such as checking qualifications, security vetting and dealing with complaints.

Cons

23. This option is overly restrictive. Interpreters in the CJS would effectively be compelled to work for agencies. This would be very unpopular with many registered interpreters and, given their concerns about the agencies' pay and practices, there is a risk that many might prefer to work for other areas of government, such as the NHS, thereby exacerbating the existing shortage of interpreters of a guaranteed standard in the CJS. This option would also remove police discretion about whether to use agencies: they could no longer use a register to contact interpreters themselves. It would also be difficult for MoJ to check that agencies provided interpreters of the right standard.