Enhancing the professionalising of the provision of interpreting in the Scottish Criminal Justice system

Key Findings of a Scoping Exercise
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Background and Introduction

Skills for Justice was commissioned by the Working Group on Interpreting and Translation to support a project relating to enhancing the professionalism of the provision of interpreting in the Scottish Criminal Justice sector. The work undertaken involved a scoping exercise to review and evaluate current provision, standards, qualifications/training, criteria and service contracts.

The Working Group on Interpreting and Translation (WGIT) aims to establish common standards for interpreting and translation in the Scottish Criminal Justice system. Its members are drawn from some of the main criminal justice partners – the Scottish Police Service, the Scottish Court Service, the Crown Office and Procurator Fiscal Service (COPFS), the Scottish Legal Aid Board and the Law Society of Scotland. A representative from the Inspectorate of Prosecution attends meetings to observe proceedings. WGIT members often seek advice from organisations with extensive knowledge and experience in the field of interpreting – such as Heriot Watt University and the Scottish Association of Sign Language Interpreters.

Objective

The objective of the work was to gather data and understanding relating to the provision of interpreting services within the Scottish Criminal Justice system and to report key findings.

The approach taken incorporated four key aspects:
1. To undertake a review and evaluation of the current provision of qualification for interpreters and translators in Scotland
2. To review and evaluate current contracts for the provision of interpreters within the Scottish Criminal Justice sector
3. To explore the potential for a Justice Sector contextualised training provision in relation to interpreting
4. To explore the potential for a Justice Sector register/database of interpreters

Background

The European Convention on Human Rights states

Article 6 – Right to a fair trial

3. Everyone charged with a criminal offence has the following minimum rights:
   (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
   (b) to have the free assistance of an interpreter if he cannot understand or speak the language used in court

Lord Advocate’s Guidelines to Chief Constables

Includes reference to the assessment of language needs and cultural sensitivities, making direct reference to Accused persons, Victims and Witnesses.

In addition, the guidelines refer to the Instruction of interpreters for Criminal Court Assignments.

Interpreting in the Scottish Criminal Justice System Project - April 2012/revised Jan2013/revised Feb2013/revisedApr2013
Proposed European Directive on the right to interpretation and translation in criminal proceedings: 2010/84/EU

Acknowledgements

Skills for Justice would like to thank and acknowledge the support of the Crown Office and Procurator Fiscal Service, the Scottish Court Service, Strathclyde Police, Lothian and Borders Police and the Scottish Legal Aid Board during the gathering of data that has contributed to the construction of this report. In addition, thanks are given to The Public Defence Solicitors' Office and agencies and academic institutions who have shared their views and experiences of preparing and supporting those who provide interpreting services in Scotland. Not least, acknowledgement is given for the invaluable insights provided by independent interpreters during the scoping exercise interviews.
Executive Summary

There are a number of factors that stimulate a need to enhance the professionalising of interpreting services within the Scottish Criminal Justice system, these include:

a. The European Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings
b. Recommendations of the Christie Commission to embrace a new, collaborative culture throughout public services (prioritising preventative action) and enabling the engagement of front line staff to help identify how to make things work better; and
c. A small number of occasions where cases have had to be adjourned or have fallen due to factors associated with the quality of provision of interpreting services

Overall, whilst recognising the need to continuously improve, participants in this scope exercise stated that they were generally satisfied with the quality of provision in relation to interpreting services.

There is the lack of a commonly agreed definition of interpreter competence across the Scottish Criminal Justice arena, with no one set of clear, objective criteria against which competence is assessed or monitored.

A variety of learning and development interventions are accessible to interpreters who wish to engage with the Scottish Criminal Justice system; however there is a lack of consistency in terms of any requirement to hold qualifications or demonstrate experience of working within the justice arena.

In the absence of other listed and relevant qualifications, the Diploma in Public Service Interpreting (DPSI) is generally recognised as the benchmark for those seeking to be assigned work within the Scottish Criminal Justice system.

Contractual arrangements between service users and service providers are not always adhered to.

Whilst there is a United Kingdom National Register of Public Service Interpreters, few interpreters operating within the Scottish Criminal Justice system see any value in being listed on this register. None of the service users in Scotland currently demand that interpreters are listed on a register.

Interpreters state that their competence is further enhanced through having the opportunity to apply their knowledge and skill in practical situations, be that in a Court or at a Police station.

There is a suite of National Occupational Standards (NOS) in interpreting, along with a National Occupational Standard entitled ‘Support individuals to communicate using interpreting and translation services’. These standards have been designed by and for the interpreting industry, to promote understanding of what constitutes professional and advanced levels of interpreting performance in a range of contexts. The National Occupational Standards now include units on what is required of trainee interpreters.

Opportunities exist to streamline and standardise approaches taken across the Scottish Criminal Justice arena, leading to improved efficiencies and effectiveness.
Methodology

Data was gathered from a variety of sources including the following:

- Service Users
  - Crown Office and Procurator Fiscal Service
  - Scottish Court Service
  - Scottish Legal Aid Board
  - Strathclyde Police
  - Lothian and Borders Police
  - Defence Agents

- Service Providers
  - Global Language Services Ltd
  - Alpha Translating & Interpreting Services Ltd
  - Freelance Interpreters

- Educators
  - Heriot Watt University
  - Cardonald College
  - Stevenson College

- Interpreter Associations/Bodies
  - Scottish Interpreters and Translators Association (SITA)
  - European Legal Interpreters and Translators Association (EULITA)
  - National Register for Public Service Interpreters

Whilst a certain amount of desk research was undertaken, much of the data presented in this report was collected through structured face-to-face and telephone interviews and discussions. In addition, interpreters were observed within a court room setting whilst providing interpreting services.

To ensure consistency of approach and maintain focus on the key topics, use was made of structured interview topic guides. Examples of these can be found at Appendix A.

Data gathered was analysed and reported on against four headings:
1. Current provision of qualification for interpreters and translators in Scotland
2. Current contracts for the provision of interpreters within the Scottish Criminal Justice sector
3. Potential for a Justice Sector contextualised training provision in relation to interpreting
4. Potential for a Justice Sector register/database of interpreters
1. Current provision of qualification for interpreters and translators in Scotland

The qualification most commonly sought by those procuring interpreting services, and those providing services to users in Scotland, is the Diploma in Public Services Interpreting (DPSI).

To achieve this qualification, the Interpreter is required to sit an examination, certificated by the Institute of Linguists. The current cost associated with sitting the exam is £565.00 (subject to review).

The Diploma in Public Services Interpreting has a core component with three options.

These are:

- Local Government
- Health
- Scottish Law

Typically, Colleges in Scotland who provide study leading up to the examination, elect to deliver one of the three options each year. So for example, if the Scottish Law option is delivered by one of the Colleges in 2012/13, it may be three years before this option is made available again to students at that particular College.

The Institute of Linguists (IoL) examination, working in two languages, English and one other, is comprised of two key elements:

- A written test incorporating translation of text from English into another language and written translation of text into English.
- An oral examination incorporating consecutive/simultaneous interpreting into English; consecutive/simultaneous interpreting from English; an oral sight translation into English and an oral sight translation of text from English.

Interpreters may study for and sit the Institute of Linguists examination at Stevenson College in Edinburgh and Cardonald College in Glasgow. In addition, Global Language Services Ltd (a Scottish-based Agency providing interpreting services) runs ‘in-house’ development programmes to assist those wishing to sit the DPSI examination. Each of the Colleges has a set of entry requirements for students wishing to study in preparation for sitting the DPSI examination.

Typically, a college syllabus will include:

- Interpreting techniques:
  - Note-taking
  - Use of the first person
  - Necessity for spoken words to be interpreted, clarified and repeated when necessary
  - Choice of the correct register
  - Seating
  - Code of ethics
  - Impartiality and confidentiality
- Terminology
- Glossary – how to keep and update
- Colloquial language
- Use of dictionaries
- Interpreting/translation/sight translation practice
- Review of past papers
- Familiarisation of paperwork used by the Police/documentation used by solicitors
- A DVD entitled 'A guide to interpreting in the Scottish Criminal Justice System'
- Use of relevant websites (Scottish Courts Service / Scottish Parliament / Institute of Linguists / European Parliament)

Study includes visits to Courts and Police stations. In addition, use is made of visiting speakers, including those representing the Police and the Procurator Fiscal’s Office.

It is claimed by some that the Diploma in Public Services Interpreting is 'widely recognised as the benchmark for interpreters, of a professional standard'. Listed amongst the top languages utilised by interpreters supplied under the Scottish Government collaborative framework in 2010/11 were:

- Polish
- Urdu
- Punjabi
- Mandarin
- Lithuanian
- Arabic
- Russian
- Cantonese
- Romanian

In addition to the Diploma in Public Services Interpreting (DPSI), interpreters and translators can hold a variety of other qualifications. These more often than not, relate to their linguistic ability and typically include a languages degree and in fewer cases, a post-graduate qualification. These qualifications may be issued by Institutions based in the United Kingdom or from anywhere throughout the world.

Whilst reference was made in a number of formal contracts between service users and service providers to a requirement for the Diploma in Public Services Interpreting (DPSI), or equivalent; during the undertaking of this research project, it was not possible to identify any definitive and acceptable list of qualifications that equated to 'an equivalent of the Diploma in Public Services Interpreting (DPSI)'. In cases of rare languages, it was stated that the Diploma in Public Services Interpreting (DPSI) was simply not attainable.

It was commented by some during the gathering of data for this scoping exercise, that the Diploma in Public Services Interpreting (DPSI) should be seen as the baseline, minimum standard for those who seek to provide interpreting services.

See Section 4. of this report - Potential for a Justice Sector register/database of Interpreters, for more information regarding entry level requirements for those wishing to be registered as a provider of interpreting services.

**Recommendation 1**

Acknowledging the absence of an agreed equivalent to the Diploma in Public Service Interpreting (DPSI), seek to establish an agreed list of qualifications/experience, equivalent to the Diploma in Public Services Interpreting (DPSI). In addition, seek to ensure that any such list is accepted by those participating in the Scottish Criminal Justice System, including members of the Judiciary.
and Defence Agents. This could help to reduce the number of cases adjourned when they get to court.

**Recommendation 2**
Work with educationalists and training providers to establish opportunities to align learning and development with relevant national occupational standards and contractual requirements.

**Recommendation 3**
In addition to the monitoring of service provision in relation to interpreters, establish goals with service providers that encourage an increase in the number of interpreters holding the Diploma in Public Services Interpreting (DPSI) - where available in the required language; or a relevant alternative qualification and/or experience.

**Recommendation 4**
Seek to review the content of the Diploma in Public Services Interpreting (DPSI) to establish if there is a need to amend the syllabus of the Scottish Law option, ensuring that current/future needs of the Justice Sector are being appropriately addressed and that learners better understand what will be expected of them.
2. Current contracts for the provision of interpreters within the Scottish Criminal Justice sector

A variety of contracts currently exist within the Scottish Criminal Justice System relating to the provision of interpreting services. In the main, these contracts have been established between service users and service providers.

One such contract is a Scottish Government framework contract for the provision of interpreting, translation and transcription services. This contract has been put in place as a result of a procurement exercise managed by the Central Government Centre of Procurement Expertise (CGCoPE) and provides the services of interpreters and translators, on a draw down basis, to the Crown Office and Procurator Fiscal Service and the Scottish Court Service. The provision of interpreting services is made through two named suppliers – Global Language Services Ltd (who must be approached in the first instance) and Global Connections (Scotland) Limited (who should be contacted only if Global Language Services Ltd is unable to meet the requirements satisfactorily). The contract covers a three year period commencing July 2009 and has provision for a one year extension, should all parties agree. Understanding at the time of writing this report is that the contract will be extended for a further 12 month period, taking it up to July 2013. This contract does not cover the provision of sign language interpreters/communication support services.

The contract with the service provider requires five key attributes of the interpreter supplied:

1. Diploma in Public Services Interpreting (Scottish Law Option) or an equivalent qualification of a similar standard
2. Recent experience of consecutive and simultaneous interpreting in the court context
3. Valid certificate from Disclosure Scotland at a specified level, or enhanced level (for cases of a complex of sensitive nature)
4. Sourced from within a 70 mile radius of the court
5. Not previously been supplied to the Police for the same case

In addition, the contract stipulates payment rates, travel allowances, travel time and cancellation policy.

It was noted that in one of the reporting years for this contact ((2009/10), that 72% of interpreters assigned to one of the service users did not hold the Diploma in Public Services Interpreting (DPSI). A more recent analysis (2010/11), highlighted that 42% of interpreters assigned to that user did not hold the Diploma in Public Services Interpreting (DPSI) and 26% of interpreters assigned to another service user, did not hold the Diploma in Public Services Interpreting (DPSI). Where the Agency is unable to supply an interpreter who holds the Diploma in Public Services Interpreting (DPSI), the Agency is requested to state why it believes that any alternative qualifications, held by the interpreter and/or the interpreter’s experience, is sufficient to enable them to provide the full service required of them.

The Police Forces interviewed during this scoping exercise reported that they have separate contracts for the provision of interpreting services, sometimes using the same agencies as reported above. The criteria stipulated by the Police to be used by agencies to select/assign interpreters included:

1. Available within an agreed timescale (for example, within one hour/ met within a maximum of two hours following notification of the requirement)
2. Diploma in Public Service Interpreting (Scottish Law option) or equivalent (not specified)
3. Suitably qualified and experienced interpreters to provide a comprehensive interpreting service from English into most languages and from these languages into English or other languages.


5. Lothian and Borders Police stated that interpreters, supplied by Global Language Services Ltd, were asked to comply with a Code of Ethics and Code of Practice, issued by Global Language Services Ltd. These included aspects such as:
   a) Interpreters will maintain confidentiality at all times and treat information which may be disclosed during any appointment as privileged information which may not be communicated to any third party without the necessary authority.
   b) Interpreters will act in an impartial and professional manner and shall be seen to do so. You are required to inform the Company immediately of any interest on your part which might harm this impartiality.
   c) Interpreters will interpret truly and faithfully which is said, without any words or meaning being added, omitted or amended. An additional explanation will only be provided where cultural misunderstanding may occur or where there is no direct equivalent for a particular term. Both of the other parties must be advised where such additional explanations are sought and or provided.
   d) Interpreters will disclose any difficulties encountered with dialects or specialist terms.

A similar Code of Ethics was presented by Language Line (referenced below).

In addition, the Working Group on Interpreting and Translation produced a Code of Practice for working with interpreters in the Scottish Criminal Justice system. This Code of Practice sets out the various responsibilities and obligations of organisations working with interpreters and is an agreed set of guidelines between member organisations of the Working Group on Interpreting and Translation. This Code of Practice seeks to supplement rather than replace any policies and practices within member organisations. It sets out good practice guides and was most recently revised in June 2008.

Other interpreting services are supplied/utilised as follows:

<table>
<thead>
<tr>
<th>Service</th>
<th>Supplier</th>
<th>User</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone interpreting</td>
<td>Language Line</td>
<td>Scottish Court Service</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Police</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Crown Office and Procurator</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fiscal Service</td>
</tr>
<tr>
<td>Sign Language</td>
<td>Scottish Association of Sign Language Interpreters</td>
<td>Crown Office and Procurator</td>
</tr>
<tr>
<td></td>
<td>British Sign Language Interpreters</td>
<td>Fiscal Service</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Police</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Defence Solicitors</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Scottish Court Service</td>
</tr>
</tbody>
</table>

**Recommendation 1**

Acknowledging the recommendations of the Christie Commission report and the proposed Procurement Reform Bill, pursue the opportunity to work collaboratively, across the Scottish Criminal Justice sector.
Recommendation 2
Review the criteria stated within current contracts, including the Scottish Government framework contract, to reflect the current/future needs of all those who play a part in the Scottish Criminal Justice System. By reflecting on the reasons, currently presented by service providers as to why an interpreter has been supplied who does not hold the Diploma in Public Services Interpreting (DPSI), it will be possible to generate a list of acceptable alternatives to this Diploma. With reference to this list, it will be possible to state more clearly the exact needs with regard to interpreter qualifications, experience and registration.

Recommendation 3
Seek to establish one standardised Code of Practice/Ethics that all Agencies and organisations agree to sign up to.

Recommendation 4
Establish a set of criteria within the contract, against which all organisations monitor and report on the quality of service delivery. Seek to identify the cost of failure to meet set criteria as laid out in the contract for service provision. Such factors might include, lost time, cases being adjourned and public confidence.
3. Potential for a Justice Sector contextualised training provision in relation to interpreting

**Current Provision**

This scoping exercise highlighted a number of training and development interventions currently made available to interpreters, or those seeking to become interpreters, within the Scottish Criminal Justice arena. These included:

<table>
<thead>
<tr>
<th>Intervention</th>
<th>Provider</th>
<th>Perceived outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Study leading to attainment of the Diploma in Public Service Interpreting</td>
<td>Cardonald College Glasgow, Stevenson College Edinburgh, Global Language Services Ltd</td>
<td>Diploma in Public Service Interpreting (certificated by the Institute of Linguistics)</td>
</tr>
<tr>
<td>DVD - 'Guide to Interpreting in the Scottish Criminal Justice System'</td>
<td>West of Scotland Regional Equality Council Ltd, Crown Office and Procurator Fiscal Service, Scottish Legal Aid Board, Scottish Court Service, The Law Society of Scotland and The Association of Chief Police Officers in Scotland (ACPOS)</td>
<td>A broad understanding of the context in which interpreters are asked to provide services</td>
</tr>
<tr>
<td>Workshop – 'Introduction to Police Interpreting'</td>
<td>Lothian and Borders Police</td>
<td>Interpreters better able to understand the relevant Police policies and procedures in connection with the role of the interpreter</td>
</tr>
<tr>
<td>Hand Out – 'Scots Law and Police Procedures: An Introduction for Interpreters</td>
<td>Lothian and Borders Police</td>
<td>Interpreters better able to understand the nature of Police enquiries and rules of evidence.</td>
</tr>
<tr>
<td>Presentation – 'Police Structure and Departments'</td>
<td>Lothian and Borders Police</td>
<td>Interpreters better able to understand the structure and operation of the Police in Scotland and in particular Lothian and Borders Police</td>
</tr>
<tr>
<td>Presentation – 'Detention and Arrest'</td>
<td>Lothian and Borders Police</td>
<td>Interpreters acquiring knowledge in relation to powers of arrest and detention</td>
</tr>
<tr>
<td>Seminar – 'Two-Day Introduction to Court Interpreting'</td>
<td>Global Language Services Ltd</td>
<td>Interpreters better able to understand the Court system in Scotland</td>
</tr>
<tr>
<td>Seminar – 'One-day Introduction to Police Interpreting'</td>
<td>Global Language Services Ltd</td>
<td>Interpreters better able to understand the relevant Police policies and procedures in Scotland</td>
</tr>
<tr>
<td>Intervention</td>
<td>Provider</td>
<td>Perceived outcome</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Ad Hoc briefing sessions incorporating input from Defence Agents and the Police</td>
<td>Alpha Translating and Interpreting Services Ltd.</td>
<td>Development of positive relationships with clients/customers</td>
</tr>
<tr>
<td>Undergraduate and Post graduate language degree courses (incorporating speakers from the Scottish Criminal Justice system and visits to the Police and Scottish Courts)</td>
<td>Heriot Watt University</td>
<td>Knowledge, understanding and skill required of an interpreter</td>
</tr>
<tr>
<td>DVD – ‘Happy to Translate’ (Supported by the National Lottery through Awards for All)</td>
<td>Happy to Translate</td>
<td>Frontline staff better able to deal professionally with service users whose first language is other than English</td>
</tr>
</tbody>
</table>

It should be noted that throughout this scoping exercise, the majority of contributors stated that they believed the current quality of interpreting provision within the Scottish Criminal Justice system to be satisfactory, many stating that it was good or very good.

Those who were interviewed stated that there were differences to be observed in quality of service provision made by ‘more experienced interpreters’ and those who may be operating within the Scottish Criminal Justice system for ‘the first time’. Factors such as understanding procedures, comprehension of courtroom technology and legal jargon, levels of confidence displayed and clarity around what is expected of the Interpreter were highlighted as areas where improvement could be made. It was generally viewed by service users that these issues decreased as interpreters gained operational experience within the Scottish Criminal Justice system. ‘The more assignments that the interpreter undertakes within the Scottish Criminal Justice system, the better they perform’.

When asked to highlight perceived and specific training and/or development, the following were raised.

**Needs identified by service users included:**

1. Increase the availability of interpreters with specific (rare) language capability to ensure provision of a fuller range of languages required (for example Vietnamese)
2. Enhance the knowledge and understanding demonstrated by interpreters of the accepted Police and Court procedures. In particular, relating to behavioural issues, such as how to interject in proceedings and how to respond to officials when direct interpretation is not possible. It was viewed by service users that there was potential for issues arising regarding the credibility of evidence
3. Building operational confidence across all aspects of the system, including working with the Police, Solicitors, and in those in Court
4. Maintaining continuous professional development. To ensure currency of knowledge, understanding and skill
Needs identified by interpreters included:

1. Opportunity to participate in local continued professional development (CPD) events. To maintain currency of knowledge and understanding and to share good and not so good practice with fellow interpreters. It was stated by some that operating as an interpreter can be an isolating experience.

2. Improving operational application of knowledge and understanding surrounding Court procedures for those with less experience. Perhaps through some form of buddy or mentoring programme.

Other needs identified included:

1. Developing the knowledge, understanding and skills of those working in the Scottish Criminal Justice system who engage with interpreters. Some believe that there needs to be a common/shared understanding of what is required to enable an interpreter to provide a high quality/professional service. There are things that others can do to help ensure that the interpreter is able to deliver a quality service. This may include the need to alter the pace of delivery of oral communication, the requirement to break passages down into units of language that an interpreter can interpret, ensuring that meaning is not lost to the client, the value of making eye-contact with the interpreter and the recognition that not everything can be directly interpreted without a change of meaning being created.

Competence

During the gathering of data for this scoping exercise, an attempt was made to define what is required in terms of Interpreter competence. This proved to be difficult. There was no one clear definition offered. Analysis of comments made highlights three key areas of competence relating to the role of the Interpreter:

- Linguistic competence – ability to interpret to and from another language
- Contextual competence – ability to operate successfully within the Scottish Criminal Justice system (understanding policy, procedure, terminology, etiquette)
- Interpreting competence – transforming meaning from one language to another, operating effectively in different social settings/environments

National Occupational Standards

There is a suite of national occupational standards supporting individuals to communicate using interpreting and translation services. There are seven National Occupational Standards from CILT. These are listed below:

Unit 1 Develop your skills to work effectively with people from different countries or diverse cultures
Unit 2 Build working relationships with people from different countries or diverse cultures
Unit 3 Appoint people from different countries or diverse cultures
Unit 4 Manage a multicultural team
Unit 5 Manage delivery of a service to people from different countries or diverse cultures
Unit 6 Develop new markets with different countries or diverse cultures
Unit 7 Work with people from different countries or diverse cultures

1 The National Centre for Languages

Interpreting in the Scottish Criminal Justice System Project - April 2012/revised Jan 2013/revised Feb 2013/revised Apr 2013
Skills for Justice also hosts a National Occupation Standard:

**SFJ A62 Support individuals to communicate using interpreting and translation services**

**Unit Summary**

This unit covers arranging for and assisting translators and interpreters to help individuals to communicate their needs, wishes and concerns. This includes arranging the interpreting and translation services for individuals, communicating with others through interpreters, and supporting those involved to evaluate the quality of the outcomes and the effectiveness of the service.

There are three elements:

1. Arrange interpreting and translation services for individuals
2. Communicate with others through interpreters
3. Support those involved to evaluate the quality of the outcomes and the effectiveness of the service

The unit is designed to be applicable to anyone in the justice sector who works with interpreters and translators so that communication can be effective with different members of the community.

No evidence was collected during this exercise of use being made of these national occupational standards to assist in the design or assessment of training and development provided for interpreters.

**Monitoring and Assessing Competence**

A variety of methodologies are used by service users to monitor and assess the quality of the service provided by interpreters. However, this scoping exercise did not identify any commonly accepted criteria against which monitoring and/or assessment was taking place.

A degree of reliance was placed on the agency who sent the interpreter to ensure that they were ‘up to scratch’ and met the contractual requirements. On the rare occasion when a poor quality of interpreting service was provided, the user chose not to accept that particular interpreter for any future assignments.

Within the Police Forces, use is made of a simple evaluation/report form that is completed by the Officer who has made use of the interpreter. Where appropriate, issues of concern are raised with the Agency who has supplied the interpreter. Fee claim forms, used by the Agency, also allow for comments to be recorded by the service user in cases of satisfaction/dissatisfaction regarding quality of service experienced.

The Scottish Court Service uses a ‘by exception’ reporting system to highlight any shortfall in service delivery regarding the provision of interpreting, translation or transcription services. This might, for example be where an interpreter appears uncertain of court room etiquette or where the oath has not been interpreted correctly. Information is feedback to the Agency who has supplied the interpreter and the Agency responds in writing to provide an understanding of how the situation has occurred and what action is being taken to prevent reoccurrence. An annual summary report is produced, highlighting the types of issues that have appeared through this process of exception reporting. In the first reporting period (2009/2010), of 7295 interpreting assignments, there were 18 exception reports generated. Of these, only two instances resulted in the adjournment of proceedings, for reasons directly attributable to problems with the interpreter provided. One was in relation to the request for a specific language not being met and the other...
related to poor interpreting standards. Other matters arising through the exception reporting include interpreters apparently not interpreting everything that was said and issues regarding the qualifications of interpreters who arrived at Court. Both of these matters have been addressed through in-house training provided by the Agency and through enhanced commentary on interpreters supplied who do not hold the Diploma in Public Service Interpreting (DPSI). No exception reports have been submitted regarding this matter since June 2010.

A quarterly User Intelligence Group meeting takes place with the Scottish Government, service users and service providers, to review and monitor service delivery.

The Crown Office and Procurator Fiscal Service has a ‘monitoring report’ which is completed by the Fiscal Depute, procognoscor or other staff member where there are ‘exceptional circumstance’ – for example where a particular difficulty has arisen or perhaps because of exceptional performance by the Interpreter which should be commented upon’. The template report allows the completer to enter free-flow text.

Where there has been an issue relating to Interpreter performance, service users complete a simple, free flow feedback reporting mechanisms, recording the good or not so good aspects of service delivery. It was highlighted during this exercise that it is rare for such feedback to be provided. The implication being, that on the whole, service users are satisfied with the quality of service currently being provided.

It should be noted however, that in the absence of clear and measurable/observable criteria, (particularly behavioural indices), against which to assess the quality of service provision, the impact achieved through these feedback processes is unclear.

In addition, the following question should be asked:
‘Who is best placed to assess the quality of interpreting provision?’

There are a variety of people who come in to contact with the Interpreter, yet not all of them contribute to the quality assurance process.

In the courtroom, for example, the Clerk is required to complete a sign-off a sheet to confirm that the Interpreter has turned up and provided a service for a certain period of time. Should the Clerk wish to enter any feedback comments regarding the service provision he/she is able to do so in a free-flow format. Others who are engaging with the Interpreter, directly or indirectly do not contribute to this feedback process.

There were no examples provided where the quality of the spoken language skill was being assessed.

**Maintaining Competence**

There were no examples highlighted during this scoping exercise of interpreters in Scotland being asked to demonstrate that they were taking action to maintain their levels of competence.

**Recommendation 1**

Build on the needs identified in this exercise and clarify the training needs for interpreters entering the Scottish Criminal Justice system (new to the system), Write meaningful aims and learning outcomes for any proposed interventions
Recommendation 2
Build on the needs identified in this exercise and establish the training needs for all those who work with interpreters in the Scottish Criminal Justice system (including: Court Clerks, Police Officers, Crown Office and Procurator Fiscal Service personnel and Defence Solicitors) to ensure that interpreters are enabled to provide a high quality service. Write meaningful aims and learning outcomes for any proposed interventions.

Recommendation 3
Seek to make use of current good practice from across the broad range of training and development interventions already in place and design interventions that are accessible for all interpreters seeking to provide services to the Scottish Criminal Justice system, irrespective of where they provide those services (many of the same interpreters are working for different parts of the Criminal Justice system – one suite of learning and development interventions should meet their collective needs).

Recommendation 4
Align these examples of good practice with the aims and learning outcomes established above and identify if any gaps exists. Design interventions to meet any gaps.

Recommendation 5
Make use of the relevant national occupational standards in the design of any learning and development interventions.
4. Potential for a Justice Sector register/database of interpreters

The current situation

Within the United Kingdom there is a National Register for Public Service Interpreters. There are approximately 2,350 interpreters currently on this register. To be approved, interpreters can apply for either full status or interim status and must present evidence of their qualifications and hours of practice. See appendix B for details of entry criteria. There is a joining fee of £198 plus £34 for each additional language that the interpreter wishes to be registered against. Thereafter, the annual renewal fee is currently listed at £198.

Benefits of membership/registration of the National Register for Public Service Interpreters are listed as:

1. Your details are listed on our on-line open access register which receives an average of 40,000 searches a month.
2. Interpreters on the register are recognised as being the gold standard for interpreters in the public services.
3. By being on the register you can show your clients that you have met the highest possible standards of professionalism.
4. Your clients have the assurance that if they are unhappy with your service they have someone to complain to and hold you accountable.
5. The quality assurance of NRPSI registration is a guarantee to the service users of the new online Register that an RPSI listed interpreter is fully qualified, eligible to work in the UK, security cleared and that they abide by the Code of Conduct and Disciplinary Procedures of the interpreting profession.
6. The National register is a public access register so anyone can use the register to find interpreters.
7. To find interpreters we have a search engine on our website where you can use the drop down menus and find your interpreter. Once you have found an interpreter, you can then contact them directly.
8. Our register is accessed by public services in the UK across the fields of Law, Local Government and Health. It is also accessed by international organisations such as the International Criminal Court and the European Union.
9. We have around over 2350 interpreters listed in approximately 101 languages.
10. Once you have joined the National register, all interpreters are required to renew their listing on an annual basis.

In discussion with Interpreters based in Scotland, it was identified that few of them see any added value in being on this register. Against the investment of an annual fee, the majority of Scottish-based interpreters saw little or no return for this. In particular, no requirement is currently being made by service users in Scotland, for interpreters to be on any register.

The Scottish Interpreters and Translators Association (SITA) states that one of its aims is to establish a Scottish register of interpreters. At present, this is in its infancy and amounts to a simple database of around one hundred named interpreters who are members of the association. Data held includes information relating to qualifications and experience gained. None of the Interpreters who participated in this scoping exercise were active members of this association.
To establish a Scottish register or database of interpreters the following questions must be pursued:

1. What purpose would it serve?
2. How would it be differentiated from the current National Register for Public Service Interpreters
3. Who would manage it?
4. How would it be funded?
5. What would be the entry criteria for interpreters?
6. What benefits would be delivered for:
   a. Interpreters
   b. Users of interpreting services
   c. The Scottish Criminal Justice system overall

Some have said that there is a need/opportunity to enhance the professional status of interpreters. One definition of a profession is:

A profession arises when any trade or occupation transforms itself through “the development of formal qualifications based upon education, apprenticeship, and examinations, the emergence of regulatory bodies with powers to admit and discipline members, and some degree of monopoly rights.

The establishment of a Scottish register may go, in some way, to achieving the aim of enhancing the professionalising of the provision of interpreting; however there are many other factors to consider.

In discussion with interpreters, it became clear that they sought tangible benefits of any requirement for them to pay to enlist on a register. This could include, enhanced payments for services delivered, access to assignments not afforded to non-listed interpreters and opportunities for continued professional development.

Evidence gathered during this exercise confirmed that interpreters are achieving access to assignments within the Scottish Criminal Justice system without the requirement to be on any register or database.

**Recommendation 1**
Quantify the benefits that would be achieved through the establishment of a Scottish National Register of Interpreters

**Recommendation 2**
If beneficial, establish one register, perhaps as a subset of the National Register for Public Service Interpreters.

**Recommendation 3**
Promote the benefits of any such register, that would be achieved for interpreters.
Points of Reference


c. EULITA - the European Legal Interpreters and Translators Association

EULITA Mission statement

EULITA is committed to promoting the quality of justice, ensuring access to justice across languages and cultures and thus, ultimately, guaranteeing the fundamental principles of human rights as enshrined in the European Convention of Human Rights and Fundamental Freedoms.

EULITA aims to bring together in its membership as full members the professional associations of legal interpreters and translators in the EU member states as well as the general associations that include legal interpreters and translators among their membership. As associate members EULITA welcomes all interested organisations, institutions and individuals that are committed to the improvement of quality in legal interpreting and translation.

EULITA aims to strengthen and to represent the interests and concerns of the associations and their members vis-à-vis national, European and international organisations and institutions, to promote the establishment of associations of legal interpreters and translators in member states where as yet they do not exist, to promote close cooperation with academic institutions in the field of training and research and to encourage the establishment of national and EU-wide registers of qualified legal interpreters and translators, while at all times respecting the diversity of judicial systems and cultures.

EULITA is further committed to promoting quality in legal interpreting and translation through the recognition of the professional status of legal interpreters and translators, the exchange of information and best practices in training and continuous professional development and the organisation of events on issues such as training, research, professionalism, etc. thus promoting judicial cooperation and mutual trust by the member states in each other's systems of legal interpreting and translation.

EULITA, finally, aims to promote cooperation and best practices in working arrangements with the legal services and legal professionals.

On 20 October 2010 the European Parliament and the Council adopted Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings. This is a landmark document and decision for all stakeholders involved in criminal proceedings across languages and cultures.
In this document, particularly Article 2 (Right to interpretation), Article 3 (Right to translation of essential documents), Article 5 (Quality of the interpretation and translation) and Article 6 (Training) deserve our close attention and commitment.

Indeed, as Article 9 on the Transposition stipulates: "Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 27 October 2013".

This means that virtually all member states are now facing the urgent challenge to implement substantial changes in their national systems for the provision of translation and interpreting in criminal proceedings.

EULITA, and Lessius University College Antwerp have been awarded EU funding under the EU Criminal Justice Programme for a project (JUST/JPEN/AG/1549 – TRAFUT – Training for the Future) that is intended to assist in and contribute to the implementation of the EU Directive. The TRAFUT project team has developed the format and content of four regional workshops throughout the EU that will be held over a period of 18 months, commencing in November 2011.

Conclusion Statement

There are a number of factors to encourage the Scottish Criminal Justice system to consider means of enhancing the professionalism of the provision of interpreting. These include:

- The European Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings, and
- Recommendations of the Christie Commission to embrace a new, collaborative culture throughout public services (prioritising preventative action) and enabling the engagement of front line staff to help identify how to make things work better

Whilst participants in this scoping exercise viewed the delivery of interpreting services on the whole to be good, acknowledgment must be given for the need to utilise public funds in an efficient and effective manner.

Findings suggest that it is the operational application of knowledge and skill that promotes and develops the competence required of Interpreters operating within the Scottish Criminal Justice system, not just the qualification that they might hold.

Moving forward, there is a need/opportunity to work collaboratively to establish an accepted definition of Interpreter competence and to ensure that any learning and development interventions are designed to achieve this, making use of relevant national occupational standards where appropriate.
APPENDIX A

Questions for exploration with service users:

1. What are the needs of xxxx in relation to interpreting?
2. How are these needs ascertained?
3. Other than through agencies, how are these services provided?
4. What form do 'contracts for services' take between xxxx and service providers?
5. What quality assurance processes does xxxx have in place to ensure appropriate standards of service delivery?
6. What are you not getting that would enhance the professionalism of interpreting services provided?
Questions for exploration with Agencies who supply interpreters

1. To whom do you provide interpreting services?
2. How are you made aware of their specific needs?
   a. What are these needs?
3. Do needs vary from one part of the criminal justice system to another?
   a. Interpreter qualifications
   b. Listed on a register? (note the national register of Public Service Interpreters)
   c. Level of proficiency?
      a. How is this defined?
   d. Experience in the criminal justice sector
      a. Other
4. How are the services contracted?
5. When you are ‘recruiting’ new interpreters onto your books, what criteria do you use to select them?
6. What form of monitoring takes place to ensure that interpreters are delivering competent services to your client?
7. What support do you provide to your interpreters to help ensure that they are able to deliver services to your clients within the Criminal Justice sector, in a competent manner?
8. If an ‘induction/training’ type session was available to your interpreters, designed specifically to enable them to become more familiar with the needs and context of the Criminal Justice sector and the needs of those entering the system:
   a. Would they be keen to attend?
   b. Who would pay for it?
9. Is there a ‘register’ of interpreters in Scotland (note the National register of Public Service Interpreters)
10. What are the current hourly rates paid to interpreters?
Questions for exploration with free-lance interpreters:

1. Have you undertaken any interpreting assignments within the Scottish Criminal Justice System?
   a. If yes, on behalf of which organisation?
   b. If no, what has prevented you from undertaking these sorts of assignments?

2. What associated qualifications do you hold for example: Diploma in Public Service Interpreting (DPSI)

3. Are you on the National Register of Public Service Interpreters?
   a. If yes: why
   b. If no: why not?

4. What support have you received from others to help you better understand the context of the Scottish Criminal Justice System?

5. What have you done to become more familiar with working in the Scottish Criminal Justice system?

6. What do you enjoy about assignments in the Scottish Criminal Justice system?

7. What, if anything, makes assignments in the Scottish Criminal Justice system challenging?

8. What would make assignments in the Scottish Criminal Justice system more appealing/rewarding?
Questions for exploration with academic institutions:

1. What role does the institution have in the development or maintenance of Interpreter competence?

2. In what way is interpreter competence achieved?

3. In what way is interpreter competence assessed?

4. What is the remit of EULITA (European Legal Interpreters and Translators Association) – in relation to:
   a. training and development of interpreters?
   b. Registration of interpreters

5. What role does the National Register of Public Service Interpreters have to play in relation to the competence of interpreters?
   a. Where does SITA (Scottish Interpreters and Translators Association) fit in?
   b. Institute of Translation and Interpreting, United Kingdom?

6. The role of National Occupational Standards?

**APPENDIX B**

<table>
<thead>
<tr>
<th>Criteria for entry onto the National Register for Public Service Interpreters</th>
<th>QUALIFICATION</th>
<th>HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>FULL STATUS (for each language to be registered or upgraded) Qualification and Hours must be Supplied</td>
<td>• IoL Diploma in Public Service Interpreting (DPSI) / IoL CCI (forerunner to DPSI) OR • Metropolitan Police Test (post 1997) OR • Equivalent Level Interpreting Qualification at Honours Degree level. (For example, a degree level qualification (or higher) with at least two interpreting components and two translation components. The qualification must include consecutive and simultaneous interpreting and sight translation. A syllabus must accompany your certificate; if this is written in a</td>
<td>More than 400 hours of proven Public Service Interpreting (PSI) experience undertaken in the UK.</td>
</tr>
<tr>
<td>INTERIM STATUS (for each language to be registered or upgraded)</td>
<td>400 hours of proven Public Service Interpreting (PSI) experience undertaken in the UK.</td>
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<td>---------------------------------------------------------------</td>
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</tbody>
</table>
| • **Option (a)** - IoL DPSI / IoL CCI or Metropolitan Police Test (post 1997) or equivalent level interpreting qualification at honours degree level (see above)  
• **Option (b)** - A degree partly studied in English with at least one interpreting and one translation component. A syllabus must accompany your certificate; if this is written in a language other than English a certified translation of both the syllabus and certificate must also be submitted | |

<table>
<thead>
<tr>
<th>RARE LANGUAGE (This category is only for those languages for which there is no Public Service Interpreting qualification available)</th>
<th>100 hours of proven Public Service Interpreting (PSI) experience undertaken in the UK, – reviewed annually</th>
</tr>
</thead>
</table>
| • Cambridge Proficiency in English (CPE) or equivalent qualification.  
• Annual review – you will be required to provide evidence of Continued Professional Development (CPD) such as appropriate training courses attended.  
Rare Languages are those languages where there is no qualification available however there is a demand for the language. If the language applied for is not currently listed on the National Register then the Language Definition Committee (LDC) of the Chartered Institute of Linguists will determine whether the language can be listed on the register | |
Summary of Recommendations

Actioning of the following recommendations may in some cases, fall out with the remit of the Working Group on Interpreting and Translation (WGIT)

Current provision of qualification for interpreters and translators in Scotland

Recommendation 1
Acknowledging the absence of an agreed equivalent to the Diploma in Public Service Interpreting (DPSI), seek to establish an agreed list of qualifications/experience, equivalent to the Diploma in Public Services Interpreting (DPSI). In addition, seek to ensure that any such list is accepted by those participating in the Scottish Criminal Justice System, including members of the Judiciary and Defence Agents. This could help to reduce the number of cases adjourned when they get to court.

Recommendation 2
Work with educationalists and training providers to establish opportunities to align learning and development with relevant national occupational standards and contractual requirements.

Recommendation 3
In addition to the monitoring of service provision in relation to interpreters, establish goals with service providers that encourage an increase in the number of interpreters holding the Diploma in Public Services Interpreting (DPSI) - where available in the required language; or a relevant alternative qualification and/or experience.

Recommendation 4
Seek to review the content of the Diploma in Public Services Interpreting (DPSI) to establish if there is a need to amend the syllabus of the Scottish Law option, ensuring that current/future needs of the Justice Sector are being appropriately addressed and that learners better understand what will be expected of them.

Current contracts for the provision of interpreters within the Scottish Criminal Justice sector

Recommendation 1
Acknowledging the recommendations of the Christie Commission report and the proposed Procurement Reform Bill, pursue the opportunity to work collaboratively, across the Scottish Criminal Justice sector.

Recommendation 2
Review the criteria stated within current contracts, including the Scottish Government framework contract, to reflect the current/future needs of all those who play a part in the Scottish Criminal Justice System. By reflecting on the reasons, currently presented by service providers as to why an interpreter has been supplied who does not hold the Diploma in Public Services Interpreting (DPSI), it will be possible to generate a list of acceptable alternatives to this Diploma. With reference to this list, it will be possible to state more clearly the exact needs with regard to interpreter qualifications, experience and registration.

Recommendation 3
Seek to establish one standardised Code of Practice/Ethics that all Agencies and organisations agree to sign up to.
Recommendation 4
Establish a set of criteria within the contract, against which all organisations monitor and report on the quality of service delivery. Seek to identify the cost of failure to meet set criteria as laid out in the contract for service provision. Such factors might include, lost time, cases being adjourned and public confidence.

Potential for a Justice Sector contextualised training provision in relation to interpreting

Recommendation 1
Build on the needs identified in this exercise and clarify the training needs for interpreters entering the Scottish Criminal Justice system (new to the system). Write meaningful aims and learning outcomes for any proposed interventions.

Recommendation 2
Build on the needs identified in this exercise and establish the training needs for all those who work with interpreters in the Scottish Criminal Justice system (including: Court Clerks, Police Officers, Crown Office and Procurator Fiscal Service personnel and Defence Solicitors) to ensure that interpreters are enabled to provide a high quality service. Write meaningful aims and learning outcomes for any proposed interventions.

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Recommendation 4
Align these examples of good practice with the aims and learning outcomes established above and identify if any gaps exists. Design interventions to meet any gaps.

Recommendation 5
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Potential for a Justice Sector register/database of interpreters

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Recommendation 2
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