



National Audit Office

**MEMORANDUM BY THE
NATIONAL AUDIT OFFICE**

10 SEPTEMBER 2012

The Ministry of Justice's language services contract

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National Audit Office

Memorandum by the National Audit Office

The Ministry of Justice's language services contract

This memorandum sets out the results of our investigation into the Ministry of Justice's new language services contract.

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This report can be found on the National Audit Office website at www.nao.org.uk

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Summary

1 In August 2011, the Ministry of Justice (the Ministry) signed a new framework agreement for language services with a company called Applied Language Solutions (ALS). Under that agreement, a range of justice sector bodies entered into contracts with ALS for the provision of specific interpretation and translation services. On 30 January 2012, the largest of those agreements, for the Ministry, which is worth an estimated £90 million over five years, became operational and immediately faced operational difficulties. Following this, the National Audit Office received correspondence from a number of individuals, including MPs, whistle-blowers and the public, asking us to look into what had happened. This memorandum sets out the results of our investigation.

2 Specifically we have looked into:

- why the Ministry entered into these contracts and the procurement process it followed (covered in Part One of this document);
- how the Ministry and ALS prepared and implemented the new service (Part Two);
- why problems occurred, their impact and the steps taken to resolve them by the Ministry, ALS and Capita (which purchased ALS in late 2011) (Part Three); and
- the financial and other controls that the Ministry has in place over the contract, and whether the contract has the potential to deliver value for money (these issues are also covered in Part Three).

3 Between May and July 2012, we:

- reviewed a large amount of the Ministry's documentation relating to the project, and submissions from the Professional Interpreters for Justice group and others;
- interviewed key personnel at the Ministry, ALS and Capita as well as other key stakeholders, such as the Senior Presiding Judge, the Professional Interpreters for Justice group, the police and the Magistrates' Association;
- analysed data about the contract and about court performance;
- visited four courts; and
- talked to interpreters who have worked under the contract.

Key conclusions and recommendations

4 Our key conclusions and recommendations are as follows:

- On the rationale for the new contracts, the Ministry had strong reasons for changing the old system, which was inadequate in several respects (see paragraphs 1.4–1.7).
- On the procurement, the Ministry ran a fair and competitive process, but in our view its due diligence on ALS's successful bid was not thorough enough (see paragraphs 1.8–1.13).
- Also, the Ministry engaged with a wide range of stakeholders and continued talking to the interpreter community throughout 2011, but, in our view, did not give sufficient weight to the concerns and dissatisfaction that many interpreters expressed, even though having sufficient numbers of skilled interpreters was essential to the new arrangements' success (see paragraphs 1.14–1.16).
- On the implementation, the Ministry underestimated the project risks when it decided to switch from a regional to a national rollout. (see paragraphs 2.2–2.6).
- Also, the Ministry allowed the contract to become fully operational before it was ready. It held to a January implementation date though ALS had not recruited and assessed sufficient interpreters in line with contractual obligations (see paragraphs 2.7–2.11).
- There were other important contractual obligations with which ALS did not comply; ALS did not alert the Ministry to these until we discovered them (see paragraphs 2.12–2.18).
- On the operation of the contract, initially ALS's performance was wholly inadequate, leading to missed performance targets and around a fifth of the interpretation work in courts and tribunals being done under old arrangements; concerted efforts by the Ministry and Capita have subsequently improved performance in a number of respects (see paragraphs 3.2–3.10).
- A range of justice stakeholders continue to report problems with the quality of some ALS interpreters, including with their familiarity with the justice system. For this reason Capita has recently introduced familiarisation training but there is more to do (see paragraph 3.11).
- The Ministry did not deduct service credits from ALS, as it was entitled to, between January and April 2012, but since May it has been doing so. The Ministry said that it had considered Capita's additional investment in the contract in deciding to waive penalties initially (see paragraph 3.9).
- On the control environment, the Ministry's framework and contract provide it with appropriate rights to inspect ALS, but the Ministry has been slow to do so (see paragraph 3.13).

5 It is too soon to conclude on the value for money of this contract. For the Ministry to achieve value for money in this area of its business, it must provide language services of the right quality for an appropriate price and in an efficient way. Although we were unable to audit them, the old arrangements taken together do not appear to have provided this. In particular, we note their administrative inefficiency and their inability to provide sufficient interpreters of a proven standard. Available evidence indicates that, for those parts of the justice system now using it, the new contract has reduced costs now the initial level of disruption has gone down. The Ministry is confident that, even during the early months of the contract's operation, savings to taxpayers outweighed the costs of disruption. However, there is not enough data to allow us to confirm this. Crucially, in terms of value for money, the contract has also introduced new quality standards which are yet to be applied consistently. Key stakeholders remain to be convinced that these standards are appropriate. Only once the Ministry and Capita/ALS have addressed quality concerns will it be possible to reach a conclusion on value for money (see paragraphs 3.14–3.18).

6 Accordingly, we have recommended to the Ministry that it should:

- examine what it needs to do to prevent problems with its due diligence work recurring;
- commission and publish an independent assessment of whether the new contract's quality standards for interpretation and translation are adequate;
- with Capita, complete checks on all interpreters working on the contract, so that it is certain they have appropriate qualifications and criminal records clearance and are properly assessed; and
- also with Capita, and with other parties to the framework, develop a strategy to implement its contract fully, thinking creatively, where necessary, about how to attract additional, adequately qualified interpreters to the work.

Part One

Procurement

Introduction

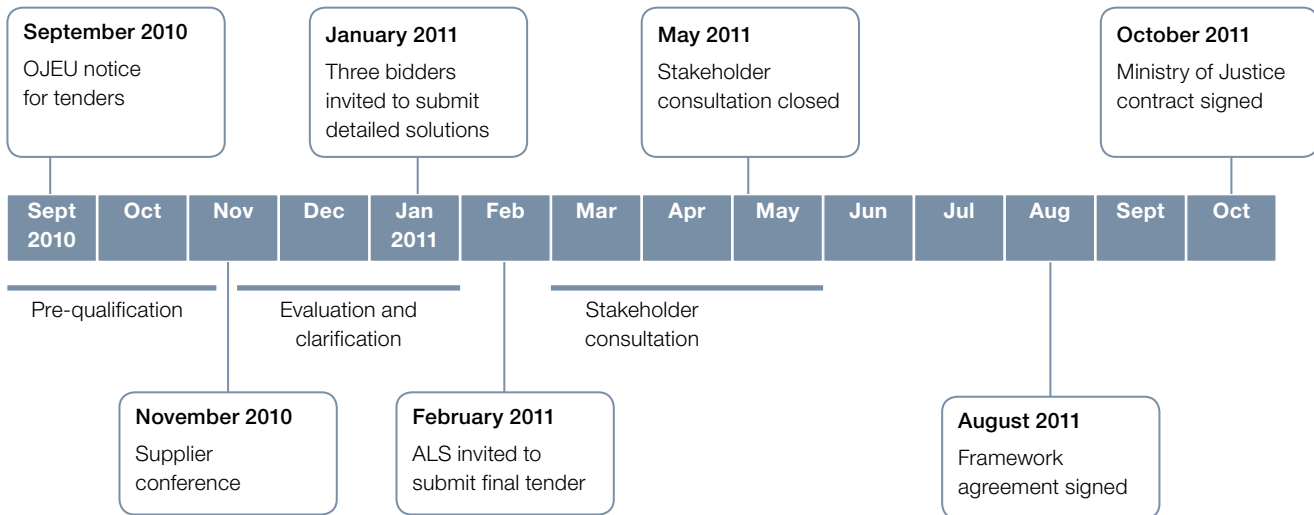
1.1 The Ministry of Justice (the Ministry) uses interpreters in courts and tribunals and in probation trusts and prisons. The requirement for it to do so partly stems from articles 5 and 6 of the European Convention of Human Rights and Fundamental Freedoms. The articles state that anyone arrested must be told the reasons for arrest and of any charge in a language that they understand and that they are entitled to access certain interpretation and translation services throughout the judicial procedures to which they are subject. Police forces have a similar requirement for language services.

1.2 In early 2010, the Ministry decided to change how the justice sector booked and paid for language services and to try to increase the number of eligible interpreters and translators. This section of the memorandum looks at why they did so and at the procurement, which ran from September 2010 until August 2011.

1.3 On 19 August 2011, the Ministry entered into a four-year framework agreement with Applied Language Solutions (ALS) to cover interpretation and translation across the whole justice sector. Under this agreement the Ministry signed a contract with ALS, for five years, which is the main focus of our investigation. That contract came into full force on 30 January 2012. The framework agreement was estimated to be worth £168 million over four years and the Ministry of Justice contract £90 million over five, of which work at HM Courts & Tribunals Service (HMCTS)¹ accounts for some £70 million. **Figure 1** overleaf sets out the timeline for the procurement process.

¹ HM Courts & Tribunals Service was formed in April 2011 from HM Courts Service and the Tribunals Service.

Figure 1
Key events during the procurement



NOTE

1 OJEU is the Official Journal of the European Union.

Source: National Audit Office review of Ministry documents

The rationale for change

The Ministry had strong reasons for changing the old system for language services, which was inadequate in several respects.

1.4 Before January 2012, language services in the justice sector were provided in different ways. The principal one, in courts and for many police forces, was the National Register of Public Sector Interpreters (NRPSI),² which gave staff access to qualified, accredited specialists, who were expected to have Criminal Records Bureau disclosures. Sometimes officials failed to find interpreters through this route and sometimes chose not to. In those cases, other, local, arrangements applied. Sometimes, through these local arrangements, interpreters worked without staff knowing whether they had appropriate qualifications and disclosures from the Criminal Records Bureau. In the then Tribunals Service a different system operated. Tribunals used a central team in Loughborough to book and pay for interpreters, most of whom were members of a panel. Many panel members were also on the NRPSI.

2 Before 1 April 2011, the NRPSI was administered by the Chartered Institute of Linguists. It then became a not-for-profit company.

1.5 Both the NPRSI and the panel gave the Ministry and police some assurance about the quality and eligibility of interpreters, through their entry criteria on qualifications and experience, and through the NRPSI code of professional conduct. The Tribunals Service panel was free for interpreters to join but the NRPSI charged an annual membership fee of £130 (the fee was abolished in April 2011). On a day to day basis, the old system was mature and stakeholders understood it well. For their work NRPSI and other interpreters were paid locally, on a fee structure set through a national agreement. Further information about the specifications of the old NRPSI system is contained in Appendix One.

1.6 During 2009, the Ministry and other justice sector organisations began to examine problems with existing language services through the Office of Criminal Justice Reform (OCJR). The OCJR produced an internal briefing document for Ministers and senior civil servants in November 2009, which highlighted a number of issues and concluded there was a need for change. The case for change was strengthened further, from the Ministry's perspective, after a critical internal audit report in January 2010. The report found shortcomings in how HMCTS handled interpreter bookings. Specifically, HMCTS sometimes used interpreters from sources other than NRPSI; had weak control systems; and lacked accurate financial and management information. After consideration, the Ministry decided to look for a new approach to language services across the board. In summary, it did so for the following reasons:

- The existing approach to sourcing language services was time consuming and inefficient, with each court devoting separate resources to booking interpreters and often making many unsuccessful contacts before finding an interpreter. The considerable cost of this process was not visible to HM Courts Service centrally.
- The existing approach meant that some courts were using out-of-date paper copies of the NRPSI and some interpreters who worked in the justice sector did not have the quality and security guarantees that NRPSI was supposed to provide.
- Under the existing approach each court had standalone arrangements for paying interpreters, which were inefficient and meant that the HM Courts Service did not properly control or understand this part of its spending.
- In fact, HM Courts Service had almost no central management information about language services, for example on the demand for specific languages or the performance of interpreters under the various arrangements.
- Language specialists' pay and benefits were agreed under the existing arrangements but not with reference to any market benchmark. Although there had been no increase in rates since 2007, the Ministry came to believe in 2010 that some of the terms interpreters were operating under were overgenerous. For example, there was a three-hour minimum payment for all jobs when most assignments were for less than three hours. However, some interpreters have said that they viewed this as the minimum necessary to make short cases worthwhile.

- In the Ministry's view it was also difficult, and slow, to get interpreters removed from the NRPSI when there had been problems with their performance. However, the nature of local bookings meant that interpreters would generally not be used again by specific courts or tribunals where problems had occurred.
- In a small number of cases there was evidence that people had even impersonated interpreters in court, and security arrangements had failed to pick this up.
- Finally, the existing approach meant that some court cases did not go ahead because of shortages and other problems. In 2010-11, 18 Crown Court and 373 magistrates' court cases were ineffective because of problems with interpreters. Partly as a result of EU expansion in the early 2000s, the range and volume of interpreters required by courts and tribunals had increased. However, the existing arrangements had failed to address this, for instance there were acknowledged shortages in some Eastern European and Far Eastern languages.

1.7 In our opinion, taken together, these reasons represented a persuasive case for change. However, we have not audited them all in detail and we are aware that the Ministry did not have the same level of evidence behind each one. Particularly important, from our perspective, are the systematic inefficiencies and poor controls of the old system and the shortages of interpreters in some languages.

The procurement

The Ministry ran a fair and competitive procurement process, but in our view its due diligence on ALS's successful bid was not thorough enough.

1.8 Initially, in 2009, the Ministry attempted to participate in cross-government negotiations about a new approach to language services, but when these negotiations slowed the Ministry decided to develop a justice sector solution. It was joined in this by the Association of Chief Police Officers and the Crown Prosecution Service, both of whose members were also dissatisfied with the, largely similar, arrangements for language services in their areas. At an early stage in their deliberations, these members of the justice sector decided that they were prepared to outsource the management of language services to a private company. From the start they envisaged a single solution that would work not only in courts and tribunals, but also in the prison and probation services and police forces. All public bodies involved agreed that they no longer wanted to manage business relations with self-employed interpreters directly. In this, they were acting in line with other public and commercial organisations globally, which were beginning to procure language services through private sector companies rather than directly from sole traders.³ The Ministry and its procurement partners looked at how a number of such organisations had fared, namely police forces in the North West and East Midlands of England and the Scottish Court Service.

³ European Commission Directorate-General for Translation, Studies on translation and multilingualism: The size of the language industry in the EU, 2009, p.24, available at: http://ec.europa.eu/languages/news/pdf/language-industry-study_en.pdf.

1.9 The Ministry and its partners formed a project board, headed by a senior responsible owner from the then HM Courts Service and with representatives from each of the customer organisations. Procurement experts from the Ministry assisted the board with managing the procurement. The team ran the procurement as a competitive dialogue,⁴ to provide access to as wide a range of solutions as possible.

1.10 In October 2010, the Ministry advertised for tenders in the Official Journal of the European Union, as required under EU procurement regulations. This began a competitive process, which, in our judgement, was run fairly. Of 126 suppliers that registered an interest in the process, 58 submitted a pre-qualification questionnaire for evaluation. The Ministry invited 12 to participate in the competitive dialogue. The Ministry selected suppliers based on service; assurance of supply; quality; innovation; and sustainability, but not, at this point, on price. All of the participants were small or medium sized enterprises, which meant the procurement was in line with wider government policy to increase the amount of government work given to such companies.

1.11 The competitive dialogue was necessary because the Ministry did not have a clear idea of what the most appropriate model or models for procuring language services would be. For example, the Ministry thought it might be possible to use several suppliers to provide interpreters in different regions. It wanted to see and compare the different options available. By December 2010, the Ministry had reduced the number of potential suppliers to three. On the basis of the detailed solutions they submitted, one of those, Applied Language Solutions (ALS), achieved the highest score on non-cost criteria as well as having the lowest cost. Our review concurs with the Ministry's assessment that, on paper, ALS's bid was the strongest. In February 2011, the Ministry, therefore, invited ALS alone to submit a final tender.

1.12 ALS had experience of public sector interpreting, including with police forces, and its final proposal involved introducing innovations to the justice sector that it had used elsewhere. Under the proposal, the Ministry estimated that its organisations and police forces could together save £18 million a year in payments to interpreters, with further efficiencies from reduced administration for staff:

- ALS proposed introducing a tiered approach. The justice sector would book interpreters who had the right level of skill for each job. Lower-skilled workers, who had not been eligible to register with NRPSI but who might still have done justice work, would attract a lower fee.
- ALS would set interpreters' pay and conditions under the new system, and would be free to vary these at any time (the amount the Ministry paid to ALS for the work would not change). The assumptions about remuneration on which ALS bid, and which it subsequently tried to implement in January 2012, involved a cut in interpreter pay and benefits in real terms.

⁴ The competitive dialogue process meant that the Ministry did not state at the outset what the solution would look like, instead they discussed possible solutions with the bidding suppliers to work out their preferred solution.

- ALS would create a website, the portal, through which all bookings would be placed by court and other staff, with responsibility for the subsequent sourcing and paying of interpreters resting entirely with the company.
- To address quality concerns, ALS would implement a robust complaints procedure and also proposed introducing a mandatory assessment for interpreters to pass before working on the contract, irrespective of pre-existing qualifications.
- Through centralisation, the Ministry understood that ALS's proposal, in common with all others, would improve its access to management information about its language needs.

Further details about ALS's new system are in Appendix One.

1.13 In early 2011, the Ministry carried out due diligence on ALS and its bid, a standard process that allows prospective customers to check companies' credentials and claims. Language services were a critical enabler of the entire justice system and so due diligence and wider risk mitigation were particularly important. While the Ministry recognised the importance of language services, we consider that its due diligence on ALS was not thorough enough. It identified many of the risks of working with the company, but in our view it did not do enough to mitigate those risks and, in some cases, did not give them sufficient weight in its deliberations. In particular we noted the following:

- ALS was a small company and the volume of work the Ministry wanted to give to it was large. A report the Ministry commissioned from a financial data company indicated that ALS was suitable to do business with but only advised giving it contracts worth up to £1 million. The Ministry and its procurement partners wanted to give the company work worth up to £42 million a year. The Ministry considered the financial report but did not see it as a barrier to the award of the contract. It told us that this was because it considered ALS to be only a managing agent for interpreters, who themselves remained freelance sole traders.
- Some of ALS's proposals about qualifications and assessments were novel, tiering and in-work assessments in particular, but the Ministry took ALS's word that they were appropriate and did not commission any independent advice on this. The Ministry was partly influenced in this decision by the knowledge that ALS itself had sought the views of a specialist in Public Service Interpreting from Middlesex University, Mr Brooke Townsley. However, the Ministry did not ask to see Mr Townsley's views in full and ALS did not tell the Ministry about what Mr Townsley described to us as his profound reservations about the validity of the proposed tiering system and about applying in-work assessments for interpreters who had recently completed their Diplomas in Public Service Interpreting.

- ALS asserted that it would be able to increase the number of interpreters working in the justice sector. But the Ministry was aware that some interpreters expressed a strong dislike of ALS and, also, that the new arrangements would reduce the remuneration of those already providing language services. The Ministry did not analyse the number of interpreters who were actually likely to be available and willing to work with the company. Nor did it do any work to model the reduction in income that public sector interpreters would experience as a result of the changes. Our modelling shows that, under the terms initially set out, average income for an interpreter would drop by some 20 per cent. The reduction in income varies by the amount and type of jobs taken but there is a marked reduction under all scenarios. It is important to note that changes to pay and benefits introduced after the contract came into operation have subsequently reduced the average drop in income to 8 per cent, compared with the old arrangements.

Stakeholder engagement

The Ministry engaged with a wide range of stakeholders and continued talking to the interpreter community throughout 2011, but, in our view, did not give sufficient weight to the concerns and dissatisfaction that many interpreters expressed, even though having sufficient numbers of skilled interpreters was essential to the new arrangements' success.

1.14 In April and May 2011, the Ministry consulted stakeholders about its approach. By this stage ALS's bid was the only one the Ministry was considering, but its civil servants were yet to make a recommendation to Ministers concerning it. The consultation was open and wide-ranging, and many specific points that respondents raised were used by the Ministry to refine its framework, for instance on language services for the deaf and blind.

1.15 However, the Ministry did not make any fundamental changes to its plans as a result of the consultation and did not consider negotiating with the many dissatisfied interpreter groups and interpreters who responded. The Ministry was not obliged to negotiate with interpreters, but this might have been a pragmatic thing to do, given the importance of achieving service continuity in this area. The Ministry did continue to meet with interpreter groups throughout the summer and autumn of 2011, however, to explain the rationale behind the changes it was making and to encourage interpreters to participate.

1.16 Once the Ministry and other parties signed the framework agreement with ALS in August 2011, a period of intensive preparations for transition began. This is examined in the next part of the memorandum.

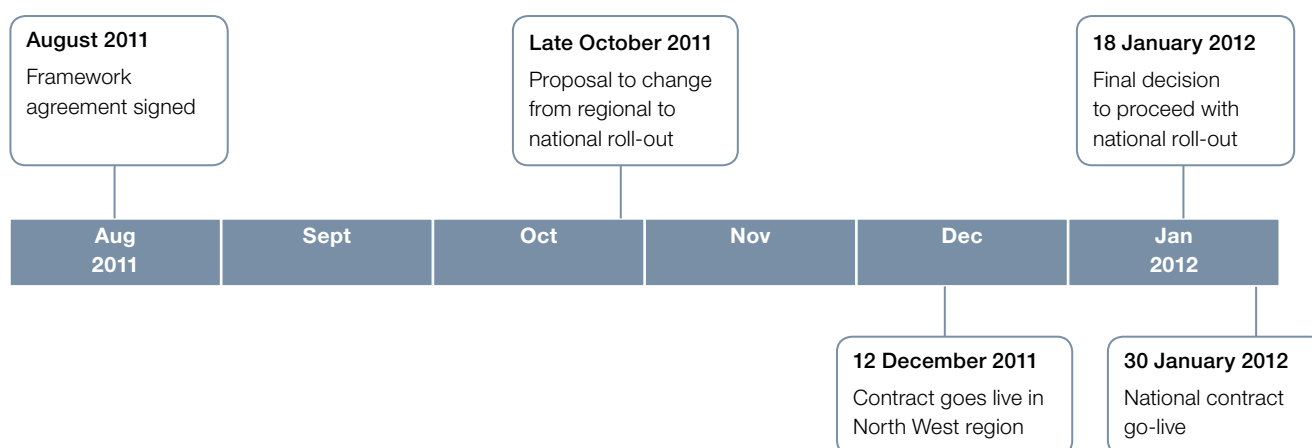
Part Two

Preparations for transition

Introduction

2.1 Following the signing of the framework agreement in August 2011, the Ministry and ALS began planning the roll-out of new contractual arrangements. During procurement, the Ministry's project team had asked signatories to the framework agreement about their preferred approach to rolling out the new contract. Up until October 2011, the Ministry planned to roll it out regionally for courts and police forces and to different types of tribunal in phases. This part of our memorandum examines preparations for the transition in detail. This includes the Ministry's decision to replace the regional, phased rollout with a single, national implementation (what was described as a 'big bang' strategy); and its subsequent decision, as a precautionary measure, to implement the contract in one part of the country first, the North West. This section of the memorandum also examines ALS's preparations for transition to the new contract. **Figure 2** shows the main events covered.

Figure 2
Key events during the preparations for transition



Source: National Audit Office review of Ministry documents

Implementation

The Ministry underestimated the project risks when it decided to switch from a regional to a national rollout. It allowed the contract to become fully operational before it was ready. It held to a January implementation date though ALS had not recruited and assessed sufficient interpreters in line with contractual obligations.

2.2 Under the framework agreement, the Ministry signed its own contract with ALS for the provision of interpretation services in courts, tribunals, prisons and probation on 31 October 2011. The Ministry and ALS originally planned to implement the new contract in stages, with the courts and police in different regions of England and Wales moving across consecutively over six to nine months. Similar arrangements for tribunals would have seen different categories of tribunal transfer at different times. On change projects like these all implementation approaches carry risks, but in our view the proposed regional approach was sensible project management; it had been developed following extensive discussions with all parties during the procurement phase. Such an approach would have helped, at least partially, to mitigate some of the specific risks of asking a small company to scale up its operations in a critical area of justice business. In particular:

- it would have allowed the Ministry to limit the effect of poor performance or other 'teething troubles' to a subset of regions and tribunals, and also to pause the rollout if performance was very bad; and
- it would have given the Ministry better information about the type and volume of languages actually required in the system, something which it still did not know.

However, it is the Ministry's view that a regional rollout would have held its own set of risks. In particular, the Ministry believes that the regional approach could have further presented an opportunity for an interpreter lobby to oppose the contract by taking up work only in regions not yet participating. This could have made conclusions drawn from initial regions potentially unreliable.

2.3 During late October and early November 2011, the Ministry changed its plans and began to favour transferring all courts and tribunals to the new contract at the same time, with no planned pilot. There were several reasons for this:

- The Ministry's procurement team initially suggested the change in mid-October, because the language services project overall had incurred some delay. Also, the Ministry was keen to begin realising the cashable savings the project was to generate (an estimated £950,000 a month).
- The Ministry also felt a change was warranted because fewer police forces than originally anticipated had decided to participate in the framework, thus weakening the rationale for a regional rollout of courts and police forces, in its view.
- Finally, the Ministry wanted to show a clear commitment to the new arrangements, when many interpreters and translators were still strongly objecting to them publicly. Switching to the new system in a single step, it felt, would oblige more interpreters and translators to accept it.

2.4 We have reviewed all key documentation relating to this part of the project. Regarding the readiness of the project itself in the autumn of 2011, in our view, there was nothing to indicate that a single, national implementation would be successful. On the contrary, some indicators suggested that even with a regional, phased rollout further delay might have been appropriate.

- In particular, ALS gave information to the Ministry indicating that the company was having difficulty making sufficient interpreters eligible to meet the estimated demands of the courts and tribunals. Despite these difficulties, ALS did not object to the Ministry decision to move to a national rollout, even though it knew that, on the basis of interpreter numbers alone, a faster rollout could not be supported.
- Additionally, large numbers of the existing interpreter base continued to tell the Ministry that they would not work with ALS under any circumstances.

2.5 In partial recognition of the risks, once the initial decision to move to a national implementation had been taken, the project's senior responsible owner decided to restore one element of the previous, regional approach, by moving the courts in a single region, the North West, to the new system first. This was not a pilot but an early adopter group, a fact that was clearly understood at the time. The early implementation to courts in the North West occurred in December 2011. It did not truly test ALS's ability to deliver on a bigger scale, because:

- this was the area of the country in which the company was based;
- this area had the highest numbers of ALS interpreters; and
- it was where ALS's previous largest public sector contract was located.

2.6 The Ministry did not formally assess the implementation in the North West, which in any event took place during one of the quietest periods for the courts, Christmas and the New Year. When the early adopter phase went reasonably well, the Ministry took assurances from it that could only have been taken from a properly run pilot, informing its final decision to proceed with a national implementation. In our assessment, only with regard to the interactive element of the online booking portal did the implementation provide genuine testing and assurance, and it is notable that this aspect of the service has worked well for users throughout.

2.7 Before the final decision on a national rollout, the Ministry also had to satisfy itself that sufficient interpreters would be available to do the work. With so many among the existing supplier base stating publicly that they would not work under the new contract, it was critically important that the Ministry knew how many interpreters ALS had. Its assumption was that at least around 1,200 would be needed for the new system to succeed. For an interpreter to be eligible and ready to work in line with the contract, ALS had to:

- collect evidence of their qualifications, experience and Criminal Records Bureau disclosures and verify that evidence;
- assess and mark the interpreter using their new assessments; and
- assign them to one of three tiers.

2.8 In late 2011, it became clear to ALS that it would not be able to meet the second of these criteria. ALS provided data to the Ministry that showed substantial backlogs in both its assessment of interpreters and its marking of those assessments. According to data supplied to the Ministry by ALS in mid-January 2012, the point at which a final decision about rollout was taken, only a very small number of interpreters, around 280, had been assessed and marked in line with the contract and then assigned to one of the two top tiers suitable for court and tribunal work. The remainder had either not been assessed or had not had their assessment marked. Since ALS did not clear this backlog before the 'go live' date, the contract became operational with a large number of interpreters who had not passed a mandatory quality requirement.

2.9 Some staff in the Ministry understood that ALS would not be able to assess and mark the remaining interpreters in time for the 'go live' date. These staff had agreed with ALS in December 2011 that, on a temporary basis, un-assessed and unmarked interpreters could be used in the justice system as a last resort. Senior officials were unaware of this and the senior responsible owner was not adequately consulted about it before it was done. In our view, the data available to the Ministry in mid-January should have led it to consider explicitly delaying implementation, given the fact that only 280 out of an estimated 1,200 required interpreters were ready in line with the contract. Having reviewed the evidence in detail we think that the Ministry was mistaken in taking the assurance from this data that a national implementation on 30 January would go well. If senior officials had understood how additional interpreters had been made available, it is possible they would have taken different decisions about 'go live'. The consequence of going live with 280 interpreters was that un-assessed and unmarked interpreters would have to work in the justice system.

2.10 On 18 January 2012, the Ministry decided to implement the language services project nationally on 30 January. In addition to the points made above, the Ministry told us that its decision was influenced by the fact that Capita had purchased ALS on 23 December 2011, a development that gave it confidence. The Ministry's project board was aware of continuing shortfalls in some languages, even after the inclusion of un-assessed and unmarked interpreters, and they had considered the risk of a boycott, though they did not expect it to be as big as it was. Indeed, all key staff involved in the decision to 'go live' told us that they believed it would be successful. But at this late stage, there were still mixed views about what success would mean, in particular in the initial period following implementation. In interviews, some members of the project board told us they understood there would be substantial 'teething trouble' for the first two to three months, but others, including the senior responsible owner, expected no major issues.

2.11 The Ministry did not warn courts, judges, magistrates and other affected parties about the shortage of interpreters nor tell them to expect any other major problems. Indeed, in the autumn of 2011, the senior responsible owner had told the HMCTS board and regional court managers that they would not implement the new system until it could be guaranteed to work. In the event of problems, contingency arrangements, which the Ministry communicated to certain categories of court, simply involved reverting to the old system.

Other aspects of ALS's preparation of interpreters

There were other important contractual obligations with which ALS did not comply during implementation. ALS did not alert the Ministry to these until we discovered them.

2.12 In addition to the problems described above, and about which ALS notified the Ministry, we have discovered other deficiencies in how the company prepared for transition to the new system. Some of these were serious contractual breaches and ALS should have informed the Ministry about them, but did not.

2.13 Regarding assessments, ALS did not tell the Ministry, either during transition or subsequently, that it had no way to assess large numbers of rare languages. It did not tell the Ministry that its contract with Middlesex University, which ran independent assessment centres for the company, was only for 32 languages, a small fraction of the total number required. And it did not tell the Ministry that no further assessment or marking took place between February and June 2012.

2.14 Regarding other checks, ALS did not tell the Ministry that in at least 50 instances it did not record interpreters' qualifications and Criminal Records Bureau disclosures, and may not even have checked them. There is no suggestion that either Capita or the Ministry were aware of this serious breach until we brought it to their attention.

2.15 Specifically with regard to security, the contract requires all interpreters to have enhanced Criminal Records Bureau checks. However, many interpreters gave ALS evidence only of standard clearance. ALS did not tell the Ministry about this. And specifically regarding claims about experience, ALS did not check, even by sampling, the assertions individuals made about having prior public sector interpreting experience.

NAO actions and subsequent actions by the Ministry and Capita

2.16 We became aware of these issues in June 2012 and immediately told the Ministry. The Ministry said that, in at least some cases, the problems pre-dated the current contract and that others happened when ALS was trying to apply more stringent standards than previously.

2.17 Subsequent investigations by the Ministry and Capita, during July 2012, have established the following:

- In total, ALS put only 845 of the interpreters on its register through an assessment centre, and only 32 per cent of these had had their assessments marked.
- Only 794 interpreters who have done work under the contract had the enhanced Criminal Records Bureau disclosure it required, with most of the rest having only standard disclosure or equivalent (by the beginning of August this number had dropped to 762, as a result of interpreters leaving ALS's list).
- Of the 50 interpreters who had worked under the contract without giving evidence of their qualifications or Criminal Records Bureau disclosures, the documents of 43 were still missing. These 43 have now been excluded from all further work under the contract until they supply their documents.

2.18 The Ministry and Capita are now putting in place measures to address these serious problems. They think it will take about three months to complete all verifications, and have agreed that a new approach is needed for assessments, as the one in the contract is not feasible. Further information about the future of the contract is in Part Three. The Chief Executive and former owner of ALS resigned from Capita by mutual consent in early July 2012.

A note about definitions

2.19 We have noticed some complexity in the definitions used to describe and quantify interpreters in the justice sector, and of differences between the terminology used on the NRPSI and by ALS. From our discussions with officials at the Ministry, it is apparent that not all of them were aware of what some key terms meant through the procurement, transition and early implementation phases of the project. This sometimes led to confusion. The Ministry now aims to avoid such confusion, by agreeing a common set of terms with contractors initially, as a key learning point from its experiences.

2.20 Some staff in the Ministry said that they had initially misunderstood what 'registered' meant, when the term was used by ALS. Early in the preparation phase, ALS told the Ministry that it had around 2,600 interpreters registered to work with it on justice jobs. Under the old system, a registered interpreter was someone who had been checked and entered onto the NRPSI register. But in ALS's terminology, a registered interpreter was someone who had expressed an interest in working with the company but was still to submit documentary evidence and be assessed.

2.21 Similarly, some Ministry staff said that they had not always understood clearly the distinction between lists of 'interpreters' and lists of 'interpreter entities'. The two concepts are used by both the NRPSI and ALS to distinguish between the number of individual interpreters they have and the number of specialists in particular languages that they can supply. When one person speaks only one foreign language, they appear on each list a single time. But when they speak more than one foreign language or dialect, they appear on 'interpreter' lists once but on 'interpreter entity' lists more than once. Confusion about this could lead people to conclude that an organisation had more interpreters than it actually had.

2.22 A further nuance which we discovered is that NRPSI and ALS count 'interpreter entities' differently.⁵ **Figure 3** shows the results of our comparison of the two lists as they were in May 2012. It shows how, although they contained similar numbers of 'interpreter entities', in the case of ALS these corresponded to approximately 40 per cent fewer individual 'interpreters'.

Figure 3
Comparison of the ALS and NRPSI lists at May 2012

	ALS list	NRPSI
Number of interpreter entities listed	2,648	2,620
Number of interpreter entities after duplicate entries removed	2,332	2,609
For this analysis, a duplicate is:		
<ul style="list-style-type: none"> • an identical entry clearly present through manual error; or • a dialect or subset of a language present in one list but not the other. 		
For example, Albanian and Albanian (Kosovo).		
Number of individual interpreters	1,340	2,241
Number of individual interpreters appearing on both lists		305

Source: National Audit Office analysis of NRPSI and Capital/ALS data

⁵ On both registers individual interpreters are listed twice if they speak two different languages, but if they speak two dialects of the same language they are listed once by NRPSI and twice by ALS (e.g. Albanian and Albanian (Kosovo) yield one entry on the NRPSI register but two on the ALS list).

Part Three

The new system

Introduction

3.1 When the ALS contract for language services came into full operation on 30 January 2012, courts and tribunals immediately began to have problems, both with the supply of interpreters and, in some cases, the quality of interpreters provided. Over subsequent months, the Ministry, and Capita/ALS have been working hard to address these issues. This part of the memorandum looks at the problems the new system has had and at the steps taken to resolve them, and examines what further action the Ministry and Capita/ALS need to take. **Figure 4** overleaf shows the timeline of main events since the start of operations.

Early operational difficulties

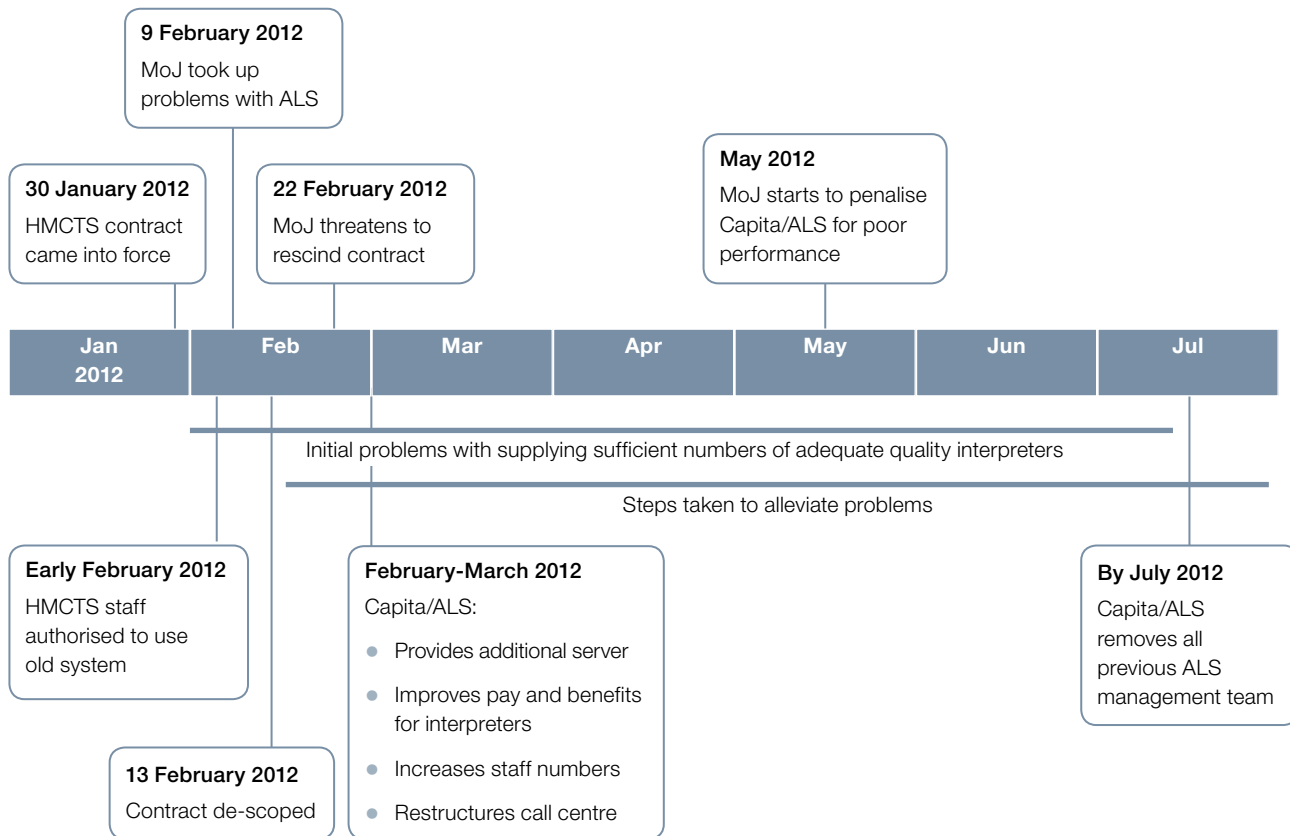
ALS's initial performance was wholly inadequate, leading to missed performance targets and around a fifth of the interpretation work in courts and tribunals being done under old arrangements.

3.2 Performance on the contract was very poor for the first two months after transition. The main issues were Capita/ALS not meeting many requests for interpreters and the quality of some of the interpreters it provided. As shown in **Figure 5** on page 23 and **Figure 6** on page 24, against the contractual requirement to fill 98 per cent of bookings, Capita/ALS fell short. Its management information shows that it met 58 per cent of bookings in February and 73 per cent in March. The actual performance was a little lower than this, as some of the bookings Capita/ALS recorded as customer cancellations were, in fact, only cancelled because the company could not fulfil them.⁶ ALS and the Ministry suffered from an interpreter boycott of the new system but also from their own inadequate preparations. In particular, Capita/ALS struggled to get interpreters for short-notice work, for instance in the Magistrates' courts or for extradition hearings. The company was unprepared for this aspect of the contract because the Ministry lacked information about the previous system. This meant that Capita/ALS did not know the volume of interpreters likely to be ordered at less than 24 hours' notice.

⁶ This situation continued until March 2012. In April the Ministry became aware of it and asked Capita and ALS to clarify to staff the difference between customer cancellations and unfulfilled bookings. While we have no reason to believe that mistakes were deliberate, they did overstate ALS's performance. The data that the Ministry published about the ALS contract in May 2012 contained these same overstatements (Ministry of Justice, *Statistics on the use of language services in courts and tribunals; Initial bulletin*, 30 January 2012 to 30 April 2012).

Figure 4

Timeline showing the new system in operation

**NOTE**

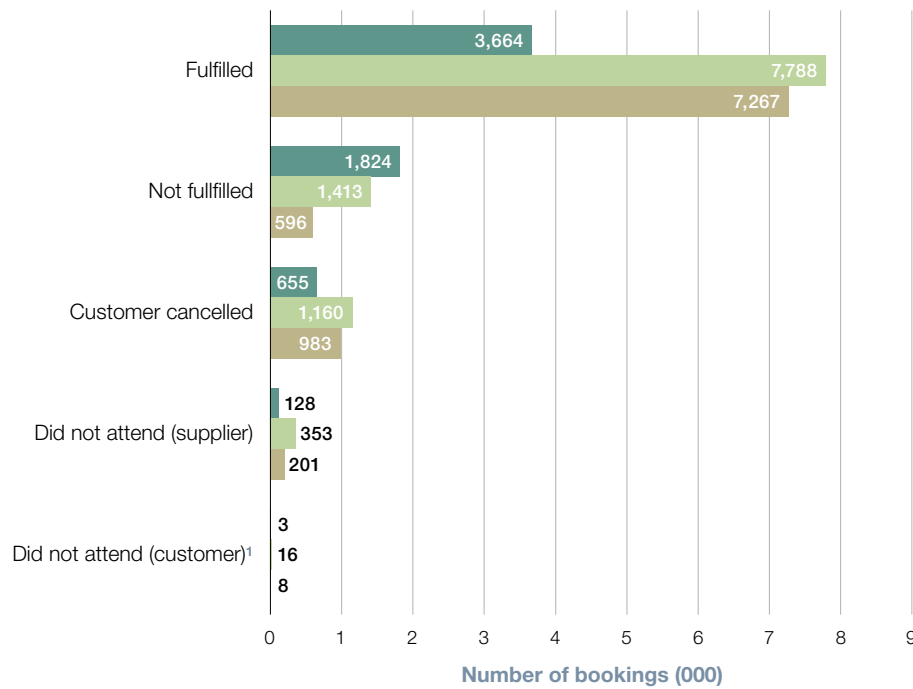
1 MOJ: Ministry for Justice, HMCTS: HM Courts & Tribunals Service, ALS: Applied Language Solutions.

Source: National Audit Office review of Ministry documents

3.3 There are no key performance indicators in the ALS contract relating to quality in the fulfilment of orders. This would be hard to measure quantitatively and the assumption was that, after all checks and assessments, only interpreters of the right quality would be supplied to jobs. Where a court or tribunal was dissatisfied with an interpreter's performance it was free to complain. But during the early months of the contract, for many reasons, including, in all likelihood, the suspension of some checks and assessments, it is clear that marked problems with quality arose. Staff in courts and tribunals, judges, magistrates and others reported that, in particular, some interpreters undertook work without being familiar with the interpreter role in the justice sector or with the protocols of the system. Staff also said that other interpreters were not sufficiently skilled to do the job.

Figure 5

Fulfilment rates for the first three months of the contract for HM Courts & Tribunals Service



■ February 2012

■ March 2012

■ April 2012

NOTE

¹ "Did not attend (customer)" means that an interpreter was sent to a court or tribunal but the person for whom they were supposed to interpret did not turn up.

Source: National Audit Office analysis of Ministry data

3.4 Court staff made some 5,000 complaints about Capita/ALS through the online portal during the first six months of the contract's operation, the majority in the early months. Around 9 per cent of some 2,300 complaints about specific interpreters related to quality.⁷ By July, the proportion of complaints due to interpreter quality had dropped to 6 per cent.⁸ On our visits to four courts, court staff said that initially they had not had time to register formal complaints about every aspect of the company's poor performance. The Senior Presiding Judge said that he too had had many complaints from judges about the quality and availability of interpreters in the months since the new system became operational. Previously, he said he could not recall receiving any.

⁷ This was around 0.4 per cent of the total bookings completed between February and July (62,000).

⁸ This was around 0.2 per cent of the 12,000 bookings completed in July.

Figure 6

Fulfilment rates for the first three months of the contract for court and tribunals

	Fulfilled	Not fulfilled	Customer cancelled ¹	Did not attend (supplier)	Did not attend (customer) ²	Total
February 2012						
Courts	2,710 (59%)	1,387 (30%)	398 (9%)	65 (1%)	3 (0.1%)	4,563
Tribunals	954 (56%)	437 (26%)	257 (15%)	63 (4%)	0	1,711
Total	3,664 (58%)	1,824 (29%)	655 (10%)	128 (2%)	3 (0.0%)	6,274
March 2012						
Courts	4,474 (74%)	914 (15%)	503 (8%)	117 (2%)	11 (0.2%)	6,019
Tribunals	3,314 (70%)	499 (11%)	657 (14%)	236 (5%)	5 (0.1%)	4,711
Total	7,788 (73%)	1,413 (13%)	1,160 (11%)	353 (3%)	16 (0.1%)	10,730
April 2012						
Courts	4,376 (82%)	410 (8%)	470 (9%)	69 (1%)	5 (0.1%)	5,330
Tribunals	2,891 (78%)	186 (5%)	513 (14%)	132 (4%)	3 (0.1%)	3,725
Total	7,267 (80%)	596 (7%)	983 (11%)	201 (2%)	8 (0.1%)	9,055
Total	18,719	3,833	2,798	682	27	26,059

NOTES

1 Data on customer cancelled bookings include an unknown number of unfulfilled bookings.

2 "Did not attend (customer)" means that an interpreter was sent to a court or tribunal but the person for whom they were supposed to interpret did not turn up.

Source: National Audit Office analysis of Ministry data

3.5 Other early problems with the operation of the contract were that:

- ALS did not have enough staff to deal with bookings and complaints, and some HMCTS calls were routed to the company's Indian call centre, against the terms of the contract; and
- ALS's systems were not sufficiently mature to cope with demand: thus, though the customer-facing part of its online portal worked well, it did not have server capacity to deal with all the orders coming in.

3.6 Poor performance had adverse impacts on parts of the justice system:

- Some trials and legal procedures were disrupted. In the first quarter of 2012, 182 trials in magistrates' courts were recorded as ineffective because of interpreter availability issues. Though small, this was almost double the number recorded for the same period last year (95 were recorded in the first quarter of 2011). This excludes delays that were not severe enough to cause an ineffective trial and delays and cancellations of non-trial hearings, which were numerous, according to complaints data, the Senior Presiding Judge, and staff we interviewed in four courts.

- Some HMCTS staff saw increases in their workload immediately after transition. They found that after uploading bookings on the ALS portal, they were spending time trying to contact ALS and ultimately reverting to old methods to book interpreters locally. This prevented HMCTS from using these staff in other ways.
- Accordingly, each delay caused costs to HM Courts & Tribunals Service and others involved in the legal process. It is very difficult to estimate these costs because of the number of different parties involved and the lack of good data. On the basis of a model it developed for other purposes,⁹ the Ministry estimates that the total opportunity cost (the cost of resources that could have been used elsewhere) to the taxpayer of ineffective trials in February and March 2012 was around £60,000. It accepts that the total cost of delays will be more than this.
- Perceived problems were widely reported and, it seems likely, have adversely affected confidence in the justice system, in the short term at least.
- In an unspecified number of sensitive cases, the problems may have caused distress to victims, defendants and witnesses, as they were obliged to prepare for additional hearings or relisted trials.

The Ministry's and Capita's response

Concerted efforts by the Ministry and Capita have subsequently improved performance in a number of respects.

But a range of justice stakeholders continue to report problems with the quality of some ALS interpreters, including with their familiarity with the justice system. For this reason Capita has recently introduced familiarisation training but there is more to do.

The Ministry did not deduct service credits from ALS, as it was entitled to, between January and April 2012, but since May it has been doing so. The Ministry said that it had considered Capita's additional investment in the contract in deciding to waive penalties initially.

3.7 The Ministry responded quickly to the early problems on the contract. Most importantly, it implemented its contingency arrangements. It allowed courts and tribunals to revert to the old methods for sourcing interpreters whenever ALS could not guarantee supply at least 48 hours in advance and for all short-notice work. Some tribunals, for instance immigration and asylum, returned to their old booking systems wholesale from 13 February onwards. Additionally, the Ministry:

- worked closely with Capita/ALS throughout, holding regular meetings and requiring daily performance updates from the company;

⁹ The Ministry of Justice developed its criminal justice system costs 'waterfall' to analyse areas of inefficiency within the system as a whole. It is based on a wide range of estimates and assumptions from across the justice sector.

- took up problems with Capita/ALS at a senior level from 9 February 2012, specifically requesting action on them not supplying interpreters; on issues with the IT portal; and on the lack of communication with courts and tribunals over unfilled jobs; and
- wrote to the Chief Executive Officer of Capita on 22 February, threatening to terminate the contract if performance did not improve.

3.8 In response to the Ministry's challenge of their performance, Capita/ALS took a number of actions to try to address the problems, including:

- increasing pay and benefits for interpreters, so that, according to our modelling, the average drop in remuneration over the old system reduced from 20 per cent to 8 per cent;
- replacing a number of senior managers;
- recruiting more staff for the service centre and restructuring it so that team members were responsible for specific courts and languages; and
- providing an additional server for the portal.

Overall, Capita estimates that it has committed to spend an additional £3.5 million over and above what it expected to on the ALS contract since January 2012.

3.9 The Ministry had the right to penalise Capita/ALS for its poor performance, by withholding a proportion of payments according to a formula. The Ministry elected not to do this between January and April 2012, but has subsequently applied penalty payments in line with the contract. Because of the initial suspension of penalty payments, we estimate that the Ministry has foregone service credits from Capita/ALS of around £11,000. The Ministry told us that its decision was a commercial one, taken in the light of Capita's substantial investment in making the contract work. In May and June 2012, the Ministry collected £2,200 from Capita/ALS in the form of penalties.

3.10 The Ministry's actions along with those of Capita/ALS have improved how the contract operates. Staff we spoke to in courts acknowledged this, as well as the Senior Presiding Judge and the Magistrates' Association. Data show that Capital/ALS is now meeting the fundamental service standard of filling 98 per cent of bookings on some days, and that overall performance is at around 95 per cent, although this still excludes an estimated 15 per cent of courts and tribunal work, which is currently being done under the old arrangements.

3.11 The Ministry and Capita/ALS acknowledge that other issues remain to be resolved. In July, just over 4 per cent of 12,000 bookings resulted in a complaint. The Senior Presiding Judge told us that he too still receives a number of complaints from judges on a regular basis. The most pressing issues relate to quality and include the non-compliances described in Part Two, as well as the continuing doubts in some quarters over qualifications standards in the contract more generally. Capita/ALS has recently introduced training for interpreters to increase their familiarity with the justice system, something which should have been in place initially. As previously described, it is also verifying all interpreters' Criminal Records Bureau disclosures and qualifications. The Ministry monitors complaints from courts to Capita/ALS centrally in order to spot trends. It told us that it was as a result of a large number of such complaints in March and April that it identified that Capita/ALS was wrongly recording some unfilled bookings as customer cancellations, as previously described.

3.12 Under the new system interpreters can sometimes enter their own working hours onto the system, without them being double checked by HMCTS staff. This is something that the Ministry is now urgently addressing. Court and tribunal staff should electronically 'complete' interpreting and translation jobs by entering the hours worked on the Capita/ALS portal. When they do not do so within 48 hours, however, interpreters are able to enter the details on the system themselves, so that their payments are not delayed. We found that court staff did not always complete jobs within 48 hours and did not always subsequently check the data entered by interpreters. This created a potential weakness in financial controls. The Ministry is finalising a standard operating procedure to prevent this happening and will implement it soon.

The control environment

The Ministry's framework and contract provide it with appropriate rights to inspect ALS, but the Ministry has been slow to do so.

3.13 The Ministry is entitled to audit or investigate any part of Capita/ALS's activities under the contract. This is vital to provide assurance that payments to Capita/ALS are correct and that services are of the required quality. Before July, the Ministry had not used its right to investigate Capita/ALS's activities, nor drawn up a schedule of the audits it planned to carry out. We would have expected the Ministry to draw up such a schedule before the transition. Since transition, the Ministry's staff have been very busy focusing on the basic elements of the contract, but given the level and range of criticisms levelled at ALS and the evidence of unacceptable performance, it is regrettable that the Ministry did not think to investigate some of the company's activities sooner.

Value for money of the contract

It is too soon to conclude on the value for money of this contract. For the Ministry to achieve value for money in this area of its business, it must provide language services of the right quality for an appropriate price and in an efficient way. Although we were unable to audit them, the old arrangements taken together do not appear to have provided this. In particular, we note their administrative inefficiency and their inability to provide sufficient interpreters of a proven standard. Available evidence indicates that, for those parts of the justice system now using it, the new contract has reduced costs now the initial level of disruption has gone down. The Ministry is confident that, even during the early months of the contract's operation, savings to taxpayers outweighed the costs of disruption. However, there is not enough data to allow us to confirm this. Crucially, in terms of value for money, the contract has also introduced new quality standards which are yet to be applied consistently. Key stakeholders remain to be convinced that these standards are appropriate. Only once the Ministry and Capita/ALS have addressed quality concerns will it be possible to reach a conclusion on value for money.

3.14 The Ministry estimated in July 2012, that it would make savings of £15 million from the Capita/ALS contract in its first year of operation. This is greater than the £12 million of savings it initially forecast for the first year, evidence that its original estimates were both cautious and based on limited data. A higher figure of targeted savings, of £18 million a year, has been cited in some sources, but this relates to the framework as a whole and includes savings from police forces, most of which have not adopted the new system yet.

3.15 The £15 million savings figure, if achieved, will represent a substantial reduction in payments to interpreters. It has not been adjusted to take account of the opportunity costs of delayed court cases or of court staff and others in the public sector doing extra work. In reality, such adjustments would be difficult to make because the Ministry does not have enough data. Equally, however, it does not include the efficiency savings from the reduced staff time that the system should take to operate in steady state. The Ministry remains confident that the contract was saving taxpayers money even during the early months of disruption, but we have been unable to validate this for lack of sufficient data.

3.16 The Ministry and Capita/ALS now need to satisfy themselves and other key stakeholders in courts and tribunals that the quality of the service being provided for this reduced cost is demonstrably adequate. The Ministry's lack of independent advice about the new tiering and assessment regime weakens its ability to refute claims that it is inadequate. We are not expert on the issue of interpreter qualifications, so we believe it may be appropriate for the Ministry and Capita/ALS to seek, and publish, independent advice on this matter. This is now a higher priority since Capita/ALS has now told the Ministry that it no longer believes some languages can be assessed in the way set out in the contract. The Ministry and Capita/ALS are now considering a different form of assessment.

3.17 The Ministry is now keen to move short-notice magistrates' court work and other outstanding aspects of the original contract over to the Capita/ALS system as soon as practicable; and by 30 November 2012 at the latest. A number of police forces are also now interested in moving to the new system. This would reduce the direct costs of language services further and, if quality concerns can be addressed, could improve value for money. But before they move any further work over to the contract, the Ministry and, where applicable, the police need to be sure that Capita/ALS can meet the demand, and that the specific area of business affected has had the benefit of proper piloting. The Ministry is now acting on this basis and is currently piloting the new system for short-notice work at 20 magistrates' courts. It has told us that the pilot is going well.

3.18 We have particular concerns about the availability of interpreters. Many qualified and experienced court interpreters continue to boycott the new system. As late as May 2012, following many months when financial incentives were available to those agreeing to work with Capita/ALS, we assess that only around 13 per cent of NRPSI-registered interpreters (some 300 people) had agreed to do so. Attracting further interpreters may be difficult and will require creativity on the part of the Ministry and Capita/ALS, but it is essential if progress is to be made. The Ministry and Capita/ALS are now considering mechanisms to make some of the shorter court work more attractive to interpreters. For example, they may bundle together individual jobs into larger packages of work.

Appendix One

Old and new arrangements for language services in the justice sector

Arrangements up to January 2012

1 Although other, local arrangements did exist, as described in Part One, the National Register of Public Sector Interpreters (NRPSI) represented the core of the old system for language services in the justice sector. The main method for entry onto the NRPSI, which continues to exist, is the Diploma in Public Service Interpreting (DPSI) (see **Figure 7**). The DPSI is awarded for four different spheres of public sector interpreting:

- Scottish law;
- English law;
- health; and
- local government.

Clearly for those wishing to work in the justice sector in England and Wales, English law was the relevant option.

2 Exams in the DPSI consist of five modules, all of which must be completed before the full diploma can be awarded. They are as follows:

- Exam 1. To interpret consecutively (interpret sections of speech after the original words are spoken, for example when interpreting a conversation between a client and an English speaker) and to interpret simultaneously (whispered translation while a speaker is continuing to speak).
- Exam 2. To do sight translation into English (seeing a document in the other language and speaking its meaning in English).
- Exam 3. To do sight translation from English (seeing a document written in English and speaking its meaning in the other language).
- Exam 4. To do written translation into English.
- Exam 5. To do written translation from English.

Case material used in the exams varies depending on the sphere of public sector interpreting that the interpreter wishes to qualify in.

Figure 7
Criteria for entry to the NRPSI

Category	Qualification required	Hours of experience required
Full status		
Qualification and hours must be supplied for each language to be registered or upgraded	<ul style="list-style-type: none"> ● Institute of Linguists' Diploma in Public Service Interpreting (DPSI) or CCI (forerunner to DPSI); or ● Metropolitan Police Test (post-1997); or ● interpreting qualification of an equivalent standard 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 the certificate candidates send in; if this is written in a language other than English a certified translation of both the syllabus and certificate must be submitted as well. 	400 hours of proven public service interpreting experience undertaken in the UK.
Interim status		
Qualification and Hours must be supplied for each language to be registered or upgraded	<ul style="list-style-type: none"> ● Option a – Institute of Linguists' DPSI or CCI or Metropolitan Police Test (post-1997) or equivalent level interpreting qualification at honours degree level. 	None.
Interpreters can only hold interim status for a maximum of 5 years	<ul style="list-style-type: none"> ● Option b – A degree partly studied in English with at least one interpreting and one translation component. A syllabus must accompany the certificate candidates send in; if this is written in a language other than English a certified translation of both the syllabus and certificate must also be submitted. 	400 hours of proven public service interpreting experience undertaken in the UK.
Rare languages		
This category is only for those languages for which no public service interpreting qualification exists but for which there is demand	<ul style="list-style-type: none"> ● Cambridge Proficiency in English (CPE) or equivalent qualification; and ● an annual review, in which interpreters will have to provide evidence of Continued Professional Development, such as appropriate training courses attended. 	100 hours of proven public service interpreting experience undertaken in the UK, reviewed annually.

Source: NRPSI website

3 Other means of entering the NRPSI exist, as described in Figure 7. For instance, for those who speak rare languages, where no DPSI examination exists, there is an option to be included on the basis of proven experience alone, with annual reviews thereafter.

4 NRPSI and other interpreters who worked under the old national agreement received payments for the time they spent in court, travel time and travel costs. Details of the rates that have applied from 2007 onwards are in **Figure 8**.

Figure 8

Payments to interpreters under the national agreement

Monday – Friday rates

Minimum daily payment (paid for jobs lasting three hours or less, including travel time)	£85
Further attendance rate	£7.50 per quarter hour (or part thereof after the first three hours)

Saturday, Sunday and public holiday rates

Minimum daily payment (paid for jobs lasting three hours or less, including travel time)	£110
Attendance rate	£10.00 per quarter hour (or part thereof after the first three hours)

Expenses

Actual receipted expenses	Maximum: £85.25 for accommodation per night in certain cities £55.25 elsewhere £26 per night other expenses
Travel	Standard class public transport tickets or 25p per mile (45p if no reasonable public transport alternative)

Source: National Audit Office of published Ministry documents

Arrangements from January 2012 onwards

5 **Figure 9** shows the criteria interpreters need to work on the ALS justice framework and **Figure 10** overleaf the remuneration they receive. Of the three tiers of interpreters that ALS created, only tiers 1 and 2 are supposed to be sufficiently qualified to work in courts and tribunals. Tier 3 interpreters, we have been told, might be used for interpreting at events such as police community meetings. ALS's original terms for remunerating interpreters were revised in February 2012 to try to attract more people to work under the contract.

Figure 9

Criteria for working through the Applied Language Solutions justice framework

	Qualifications	Experience	References	Assessment centre
Tier 1	<p>At least one of:</p> <ul style="list-style-type: none"> • Diploma in Public Service Interpreting (DPSI) (English law option) • Certificate in Community Interpreting (CCI, the forerunner to DPSI) • Metropolitan Police test with DPSI (Health or Local government options) or Hons. degree or higher in interpreting • NRPSI registration • membership of Association of Police and Court Interpreters • membership of the Institute of Translation and Interpreting (Police Court Interpreter level). 	At least 100 hours public sector interpreting experience	References	Pass at tier 1 standard
Tier 2	<p>At least one of:</p> <ul style="list-style-type: none"> • the 'Partial DPSI' (English Law option), comprising all parts of the DPSI except written translation from English • certain English and language-related degrees and diplomas. <p>Plus:</p> <ul style="list-style-type: none"> • any degree • exposure to criminal justice work in the UK or abroad. 	At least 100 hours public sector interpreting experience	References	Pass at tier 2 standard
Tier 3	<ul style="list-style-type: none"> • Demonstrable experience in the public sector with an appropriate linguistic background • Formalised basic interpreter training. 	100 hours public sector interpreting experience desirable	References	Pass at tier 3 standard

Source: National Audit Office analysis of the Ministry's framework agreement

Figure 10

Payments to interpreters under the framework agreement

Monday – Friday rates

	Tier 1	Tier 2	Tier 3
Minimum daily payment	None	None	None
Attendance rate (not including travel time)	£22 per hour	£20 per hour	£16 per hour

Saturday, Sunday and public holidays rates

Minimum daily payment	None	None	None
Attendance rate	£29.70 per hour	£27 per hour	£21.60 per hour

Travel

Travel time	Interpreters are not paid for travel time if total return journey time is less than two hours. £10 per hour is paid if total journey time exceeds one hour each way.
Mileage	20p per mile (increased in February 2012 to 40p per mile) for mileage in excess of 10 miles each way. ALS does not pay extra if the cost of public transport tickets is higher than the mileage rate.
Other	Introduced in February 2012, a £5 supplement per booking for each booked accepted through ALS's online system.

Source: Applied Language Solutions website – Linguist Lounge and Ministry documentation



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