AIIC backs UK legal interpreters

A flawed procurement process, no proper dialogue with practitioners, and conflict of interest are just a few of the snags spotlighted in AIIC’s written statement on interpreting services under the Fra

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Reading AIIC’s 6-page submission to the Justice Select Committee (JSC), one comes to a simple conclusion: something went wrong, very wrong, on the road to a legal monopoly for the provision of interpreting services in the UK justice sector.

One is also reminded of a simple truth: the cost of justice cannot be measured just in cold, hard cash; inadequate services and procedural delays affect real people.

Adding it all up, AIIC reaches the conclusion that “the reputation of British justice is at stake” (emphasis added) when the quality of this support service is judged in the light of EU Directive 2010/64 on the right to interpretation and translation in criminal proceedings.”

AIIC comments in detail on three areas: the profession of interpreting, the public procurement procedure, and the organization of an interpretation service.

Interpreting: A Profession

Training, experience and specific subject knowledge are of the essence in the field of interpreting. And ethics are never to be forgotten. Some quotes from the text underline just how important it is that all parties - practitioners, employers and direct users - treat interpreting as a profession.

- (I)nterpreting... is a profession which... needs: specific skills, acquired through training and consolidated through practice and continuous professional development; recognition of those skills on the basis of a system of accreditation approved by the profession; adherence to an ethical code; proper working conditions which are vital to the provision of quality performance; and due reward according to market rates.
- Proficiency is usually recognised through diplomas from recognised training establishments, through impartial national accreditation bodies approved by the profession or through membership of associations applying criteria of proficiency, experience and adherence to a strict code of conduct.
- Reorganisation of services cannot mean cost-cutting on the backs of skilled professionals whose fees have remained extremely modest and whose working conditions are often extremely poor.
- The efforts of the interpreters themselves to organise their profession, to improve their skills and the service they provide should be recognised and encouraged.
The public procurement procedure

Many have claimed that the procurement process itself was faulty, as became evident in the 15 October meeting of the Public Accounts Committee.

AIIC posits that “the Ministry of Justice failed to recognise signalled pitfalls” and adds, “it should not be assumed that outsourcing in the field of intellectual services is conducive to making economies of scale.”

A few other quotes from this section:

- The use of ‘intermediaries’ rarely reduces the cost of services... Intermediaries seek profit. Profit will often be made through a loss of quality.
- Intermediaries should have at least basic notions about the service they supply.
- Failure in so many critical areas points to the incompetence of the contractor and a failure in the tendering procedure.
- Discontent replaced a previously smooth employment relationship.
- This contract was a huge prize for a single company. The company was sold on to Capita for a considerable sum of money. Perhaps a more modest reorganisation would have brought better results at a lower price.
- AIIC believes... outsourcing has created a monopoly of service where quality control by the profession and the Ministry has been lost in a vital area.

Organisation of an interpretation service

While it’s understandable that a ministry, especially one facing budgetary constraints, will seek cost-saving measures, AIIC believes that a solution could have been found without a complete makeover of a system that had been working - and in the process alienating many experienced professionals. In the past, direct contact between interpreters and the courts and police meant that expert local knowledge was gained and used to advantage.

Many of the problems cited to justify a new system may actually be due to refractory scheduling difficulties and will not be solved by instituting a legal monopoly. Moreover, the new arrangement has led to a conflict of interest by putting a single party in charge of providing and accrediting interpreters.

Quotes from this section elaborate on the above:

- Economies of scale are unlikely... to be made in these circumstances, since neither courts nor police can fundamentally change schedules to make possible the totally efficient use of available interpreters.
- It is unreasonable to believe that... interpreter(s) can be paid only for the amount of time they spend interpreting, at very low rates for the knowledge and skills they have, whilst they are also spending time preparing, travelling or waiting.
- Any agency maintaining that it can always provide a ‘local’ and therefore ‘cheaper’ service in the interpretation sector is unlikely to know much about the sector.
- It is incredible that the accumulated experience of the NRPSI and the professional associations was effectively ignored concerning an accreditation procedure, vital to quality control.

Conclusions
AIIC concludes that the rationale for a new system was flawed and the procurement process itself was “inappropriate to the delivery of a service requiring skilled providers”. It also states that “steps taken to rectify under-performance by the supplier have not, in the opinion of AIIC, been sufficient.”

The association stresses the importance of using “professional, trained and properly accredited interpreters” and of assuring proper working conditions.

AIIC ends its submission by calling for genuine dialogue, with an expression of support for UK professional associations.

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AIIC’s submission as well as those of other parties are now available on this page of the UK Parliament’s website.

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Recommended citation format: