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Westminster Hall

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Police Interpreters

4.32 pm

Mr. John Leech (Manchester, Withington) (LD): I am delighted to have secured a debate this afternoon on the use of interpreters by police forces in England after several weeks of trying. I am particularly pleased because earlier this week I had the opportunity to submit a petition to the House on behalf of 282 interpreters who are concerned about the prospect of police forces in the north-west outsourcing interpreting services to an agency and about the impact that would have on the quality of interpretation services.

The issue was brought to my attention by a constituent, Marc Starr, who is a registered public service interpreter of Spanish and Portuguese. He contacted me because he and his colleagues were concerned that Greater Manchester police and other forces in the north-west were considering outsourcing interpreting services to an agency. There was clear evidence that when that happened in other parts of the country, there was a massive increase in the use of non-registered interpreters, in contravention of clear guidance from the Association of Chief Police Officers (ACPO). The recommended best practice is that qualified interpreters with a diploma in public service interpreting or equivalent should be used. The ACPO guidance is drawn largely from the “National Agreement on Arrangements for the Use of Interpreters, Translators and Language Service Professionals in Investigations and Proceedings Within the Criminal Justice System” as revised in 2007.

The agreement was issued by the Office for Criminal Justice Reform. It was produced in consultation with the interpreters working group, which includes representatives from ACPO, the Crown Prosecution Service, Her Majesty’s Courts Service, the probation service, the Home Office, the Magistrates’ Association, the Bar Council and the Law Society, and representatives of interpreter bodies, and replaces the national agreement issued by the Trials Issue Group in 2002 and a Home Office circular of 2006.

Paragraph 3.3.1 of the agreement states:

“It is essential that interpreters used in criminal proceedings should be competent to meet the ECHR obligations. To that end, the standard requirement is that every interpreter/LSP working in courts and police stations should be registered with one of the recommended registers, ie the National Register of Public Service Interpreters (NRPSI)”.

Importantly, paragraph 10.1 states:

“Police forces and other CJS agencies that are contemplating outsourcing the provision of interpreters must ensure that this does not compromise compliance with the standards set out in this Agreement. In particular, where the fees payable to interpreters—as distinct from those paid to the intermediary agency—are lower than those contained in the recommended Terms and Conditions for Interpreters in the CJS...they are likely to be unattractive to fully qualified interpreters who are on the NRPSI and CACDP Registers, with the result that the contractor resorts to unqualified interpreters who may not be competent. This is not acceptable.”

Finally, annexe B states:

“Any interpreter used within the CJS should be able to prove a measurable level of competence and quality assurance. NRPSI registration provides this, which is why NRPSI registered interpreters are recommended.”

For several sectors of the public services, the National Register of Public Service Interpreters acts as a database of interpreters whose competence is not in doubt. The move towards contracting out interpreting services by some police forces is a departure from recommended best practice, and information gathered through freedom of information requests has provided irrefutable evidence of a link between outsourcing and low levels of use of interpreters who are registered with the NRPSI and who hold the DPSI qualification.

The majority of police areas that have not outsourced have an almost exemplary record, and even in the South Wales police force, which uses the lowest number of qualified interpreters, as many as 61 per cent. of interpreters have a qualification. There are reasons why the South Wales police find it particularly difficult to find qualified interpreters.

We can compare that with figures for forces that have outsourced the work and have contracts with other organisations. The number of unregistered interpreters used by police forces that have contracts with Cintra, for instance, ranges from 51 per cent. up to 71 per cent.—the latter figure is for Lincolnshire. An average of 61.8 per cent. of unregistered interpreters are used in such areas. The range of registered interpreters in areas where other agencies have been used is from as few as 12 per cent. up to 49 per cent.—those are the figures for Northumbria and Sussex respectively. The most recent information available is for Cheshire and shows that 29 per cent. of interpreters used in 2007 had the qualification, and 38 per cent. in 2008.

Unfortunately, despite the overwhelming evidence that outsourcing results in non-compliance with the guidance, GMP has not been dissuaded from considering it. Superintendent Wilkinson wrote to me on 5 February. He stated:

“The North West Police Forces, led by GMP, have collaborated to explore the possibility of outsourcing the provision of interpreting services. We are aware of the standards required and will take steps to ensure that outsourcing the service does not compromise compliance with the standards set out in the National Agreement, before any contract is awarded. To date no company has been awarded any contract in respect of interpreter services for GMP...Managing companies will be expected to provide interpreters that are qualified and fully vetted for police work and use NRPSI as first tier. Only in exceptional circumstances would they be allowed to deviate from this specification.”

Superintendent Wilkinson also explained that one reason why the force is considering contracting out is that sourcing interpreters is time-consuming and costly. He went on to say:

“Front line policing is supported by many other agencies and third party providers who are experts in their own fields. In respect of interpreting, a lot of police resource is deployed in accessing, engaging, checking, administering and paying large pools of self employed interpreters.”

Engaging an agency is clearly about saving time and money, yet there is no evidence to back up the assertion that non-registered interpreters will be used only in exceptional circumstances. Evidence from all the other police forces points to the contrary. Unfortunately, GMP is ignoring that evidence for the sake of saving time and money. That will result in ACPO guidance not being followed. I am due to meet the assistant chief constable at the end of the month to raise my concerns about GMP's plans, and I hope that GMP will take notice. However, what is required is for the Government to intervene and strengthen the guidance or, if necessary, to legislate to ensure that police forces comply.

In fairness to the Government, in their response to me on 2 October last year, the Under-Secretary of State for Justice, the hon. Member for Liverpool, Garston (Maria Eagle) acknowledged that there was room for improvement and assured me that her officials were looking into the matter. That was five months ago, however, and I have heard nothing further. In her reply, will the Minister let the House know what progress has been made?

The Under-Secretary also acknowledged in her reply that the guidance was clear and that

“all police forces in England and Wales were recently reminded of the current guidance by the Association of Chief Police Officers. It is unambiguous, especially in terms of quality, and states that ‘Forces that do or are considering outsourcing the provision of services to a commercial agency who act as an intermediary for booking and hiring interpreters, are reminded of the need to ensure this outsourcing process does not compromise compliance with the standards set out in the National Agreement. Consideration should be given to ensure that rates of pay and terms and conditions do not act as a disincentive for qualified and/or registered interpreters, preventing them from offering their services and thus damaging service quality’. The guidance makes clear that the agencies concerned should use registered interpreters and police forces are strongly encouraged to ensure that their contract stipulates the use of qualified interpreters.”

Unfortunately, that is simply not happening. Pay and conditions are lower in agencies to which interpreting has been outsourced in other police authorities. That acts as a disincentive, preventing registered interpreters from offering their services.

In this short debate, I do not have time to go into the various examples of the problems caused by the use of non-registered interpreters. If the debate were about whether registered interpreters should have priority over non-registered ones, I would address those issues, but the Government have accepted the case for using registered interpreters. Unfortunately, the Under-Secretary made it clear that she believes that the decision to use agencies lies ultimately with chief constables and that it is not appropriate to legislate. That is where I disagree with her. If the use of agencies results in the guidance not being followed, surely it is the job of the Government to intervene. If the Minister is in any doubt about the evidence, I will happily supply her with more facts and figures.

The problem is not new, but the recent move by GMP and other north-western police forces has brought it firmly back on to the agenda. I urge the Minister to re-examine the impact of outsourcing on ensuring the use of registered interpreters and to introduce further guidance against the use of agencies and outsourcing. If that fails, I urge her to legislate against it. If she is not prepared to go that far, will she at least consider taking action where outsourcing and the use of agencies is resulting in a reduction in the use of registered interpreters? Will she also commit to discussing the implications of outsourcing with GMP and making it clear that if GMP's commitments to maintaining the use of qualified interpreters are not kept, the force will be expected to scrap the use of the agency employed?

In conclusion, my constituent Mr. Starr says:

“Interpreters are aware that it is a freelance industry and what is not expected is a guarantee of work—this depends on too many factors. All we are after is that if there are three interpreters in a region in which a region requires an interpreter five times, an NRPSI interpreter is contacted first on all of those occasions”.

That just does not happen when police forces outsource to agencies.

4.45 pm

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): It is a pleasure to serve under your chairmanship, Mr. Caton. I thank the hon. Member for Manchester, Withington (Mr. Leech) for raising this debate. Other hon. Members have spoken to me and to my hon. Friend the Minister for Security, Counter-Terrorism, Crime and Policing about the issue, particularly my hon. Friend the Member for Eltham (Clive Efford) and my hon. Friend the Member for Manchester, Central (Tony Lloyd), who has spoken to me about it on behalf of a number of Manchester colleagues. Clearly, there is some concern in the Manchester and London areas in particular. I am aware of the issue, and I welcome hon. Members' interest in it. I also welcome the chance to debate it today.

It is useful to start by outlining the Police and Criminal Evidence Act 1984 requirements on interpreters. The responsibility for providing interpreters at the police station is an operational matter for the chief officer of the force concerned, and the Home Office has no plans to change that. Code of practice C issued under the Act for the detention, treatment, and questioning of persons by police officers states that chief officers are responsible for ensuring that appropriate arrangements are in place for provision of suitable qualified interpreters for people who are deaf or who do not understand English.

The code indicates that a person must not be interviewed in the absence of a person capable of interpreting if they have difficulty understanding English, if the interviewer cannot speak the person's own language or if the person wants an interpreter present. I know from my constituency that it is sometimes a challenge to find an interpreter in the right time frame who has the right qualifications and professional skills to do such demanding work. Interpreters do not have an easy job. Some of the issues that they deal with can be quite harrowing.

Mr. Leech: The Minister makes the important point that it is not an easy job. One problem is that some non-registered interpreters are not qualified to interpret. They may understand the language that they are asked to interpret, but they are not qualified interpreters.

Meg Hillier: I have not discussed the issue widely, as I am not the policing Minister and it has not been a topic of conversation when I have visited police throughout the country, but from personal experience in my constituency, I can say that the police are anxious to ensure that interpreting is of good quality. They are aware of the sensitivities and issues. If they get someone who cannot do the job properly, a case might not stand up in court and there could be issues involving service to the victim or injustice to the perpetrator. There is a strong awareness among police of the need to get the right sort of interpreting. If the hon. Gentleman will let me continue, I will explain a little about some of the issues that he mentioned and what the Government are doing to work with the police to ensure that the concerns that he and other hon. Members have raised are addressed.

PACE code C contains specific requirements aimed at ensuring that information gathered may be admissible in court and, importantly, that the detainee understands what is happening at the police station and which matters are being put to them. That is a fundamental right. Access to an interpreter at the police station is a key safeguard in compliance with our responsibilities as a Government and as a nation under article 5 of the European convention on human rights, which states that everyone who is arrested shall be informed promptly, in a language he or she understands, of the reasons for his or her arrest and of any charge against him or her.

The national register is an important and useful source of interpreters. The reality is that there is a shortage of interpreters, which is one issue that the Home Office and the Ministry of Justice alone cannot resolve. PACE code C requires that the outcome in article 5 of effective communication between police and the detainee is met, and advocates that, wherever possible, interpreters should be drawn from the national register. That is something that I think we would all wish to see as a paradigm.

The use of interpreters in criminal proceedings, including at the police station, is governed by the national agreement on arrangements for the use of interpreters and translators in the criminal justice system, which I shall call the national agreement. As with PACE code C, the national agreement requires not that an interpreter from the National Register of Public Service Interpreters must be used, but that they should be drawn from the register where possible. That is important, because if no one from the register is readily available, there can be big challenges, and that leaves the police in a difficult position. They have to consider how long they can wait when they have someone in custody, as there are, quite rightly, legal requirements on how long people should be kept in custody. That protection is in place, and interpreting is relevant to the delay and cost to the police and criminal justice system if justice is not carried out properly or fairly.

I am aware that outsourcing, and the engagement and use of interpreters outside the national register, has been an issue in some police forces since about 2005, so it certainly is not a new issue. The hon. Gentleman has raised it about his area. Interpreters understandably object to outsourcing because they receive less money under that system. The average pay range for an interpreter on the national register is between £35 and £50 an hour, but could drop to as low as £15 to £20 an hour if they are employed through an agency. I can see the economics of the situation: if an interpreter has a choice of jobs, they will clearly take the higher paid rate if they can, so there is a problem with getting them to do interpreting through outsourcing. However, outsourcing is often used because forces cannot get someone from the national register to do the work.

There is anecdotal evidence that outsourcing has led to a drop in the quality of interpreting being provided, because interpreters are not prepared to work for the money available. We recognise that, and we know that work needs to be done to help to resolve the issue. ACPO's lead official on interpreting issues, Assistant Chief Constable Douglas Paxton of Staffordshire police, wrote to all police forces last year, reminding them that they should use interpreters from the national register where possible. Forces were also reminded of the need to ensure that outsourcing did not compromise compliance with the standards set out in the national agreement. We must allow ACPO to play its role, working with police forces, but I shall address the hon. Gentleman's comments about legislating in this area later.

ACPO acknowledges the invaluable contribution of the work carried out by interpreters in police forces and across the wider criminal justice system, but it also points out that outsourcing does not constitute a breach of the national agreement. Police forces are duty-bound to secure best value, and ACPO is not aware of any outsourcing activity that does not seek to operate in accordance with the national agreement.

Mr. Leech: Does the Minister accept that the figures I have given her provide clear, irrefutable evidence of a correlation between outsourcing and the proportion of interpreters being used who are not on the national register?

Meg Hillier: I agree that it is an important issue that we need to consider in full. My point is that the national agreement has some flexibility, and that it is right to explore the options. ACPO says that it is not aware of any outsourcing activity that does not operate in accordance with the national agreement, and I am keen to hear from hon. Members, as I have been doing, about how it is working in their areas. The national agreement says of outsourcing:

“Police forces and other CJS agencies that are contemplating outsourcing the provision of interpreters must ensure that this does not compromise compliance with the standards set out in this Agreement. In particular, where the fees payable to interpreters—as distinct from those paid to the intermediary agency—are lower than those contained in the recommended Terms and Conditions for Interpreters in the CJS...they are likely to be unattractive to fully qualified interpreters who are on the” national register, “with the result that the contractor resorts to unqualified interpreters who may not be competent. This is not acceptable.”

Those are ACPO's words, and the point is fairly clear, but the critical issue is that the national register currently lists about 2,000 interpreters—a figure well below what police forces in England and Wales would deem appropriate. I see the problem in my area of London, as does my hon. Friend the Member for Eltham in his area, and he has raised the issue with me. Clearly, it is also an issue in Manchester, as a number of Manchester MPs

have raised it with me too. There is a challenge, but it is a little beyond the Home Office's remit. The Government need to look into the matter, and interpreters, as a profession, need to work out why relatively few of them go into that type of work.

Police forces are outsourcing their requirement for interpreters as a pragmatic approach because they need to progress investigations. They have to get the balance right, to make sure that investigations are carried out fairly, with a high level of proof, and to make sure that people are not spending time in custody unnecessarily. We must all recognise that those issues are difficult to balance, while ensuring that we maintain the quality of interpreting. ACPO has started work on national scoping exercises with forces to assess current requirements and service improvements, and how they could be met. We hope that will give a clear indication to the interpreting profession of the opportunities for fully qualified interpreters in that valuable area of work.

We recognise the benefits that the national agreement provides, and we need to ensure that its framework delivers the necessary service to the criminal justice system. The Government will work with key stakeholders in the criminal justice system and with the representative bodies of the interpreting profession on reviewing the current guidance. My hon. Friend the Minister for Security, Counter-Terrorism, Crime and Policing, and the Under-Secretary of State for Justice, my hon. Friend the Member for Liverpool, Garston (Maria Eagle) will lead on that work. The focus of the exercise will be to determine how we can ensure that suitable, qualified interpreters are available for use throughout the criminal justice system. I repeat that the Home Office cannot solve the problem alone, but the Government can take a role in encouraging people to take up those important positions.

The rising demand for interpreters is due to a number of factors. We are living in an international world, and we expect that our cities, particularly Manchester and London, will be diverse. Interpreters are sometimes called because the police are concerned about their ability to understand someone who thinks that they can speak English, and because they need to be clear that their message is getting across. There are a number of reasons why interpreters are used, and it is right that we should consider the issue seriously and closely. We need quality services at a reasonable cost, and there should be no incentive to reduce quality. Responsible police forces will take that into account, but outsourcing alone is not the problem.

The hon. Gentleman asked why we do not legislate on the matter. There are no immediate plans to do so, but it is an important option, and we are considering amending the PACE code of practice on detention to require the use of interpreters from the register only. My hon. Friends in the Home Office and the Ministry of Justice are considering that, but before we can make that change, we must ensure that sufficient, trained, able and competent interpreters are available to enable the police to progress their investigations and ensure that detainees are not in custody for too long. The danger with hastily introducing legislation is that if we do not have sufficient bodies on the ground to deliver what we are legislating for, we will be in the same position as we are now, with too few interpreters. That is a key issue.

The key driver in ensuring quality of result for the victim and fairness for the perpetrator in any case is having good-quality interpreters. I am sure that view is shared by the hon. Gentleman and by other hon. Members who have raised the issue with me—indeed, I know it is from my conversations with them. I hope that they will all welcome the work that we are doing to address these important problems. My hon. Friend the Minister for Security,

Counter-Terrorism, Crime and Policing is aware of hon. Members' concerns from his conversations and correspondence with them, and I know that he will keep them updated about our thinking and progress in this area.

Ref.: <http://www.publications.parliament.uk/pa/cm/cmtoday/cmwhall/16.htm>
