



Public Services Committee

Uncorrected oral evidence: Interpreting and translation in the Courts Service

Wednesday 20 November 2024

11 am

Watch the meeting

Members present: Baroness Morris of Yardley (The Chair); Lord Bach; Lord Laming; Lord Mott; Lord Porter of Spalding; Lord Prentis of Leeds; Lord Shipley; Baroness Stedman-Scott; Lord Willis of Knaresborough.

Evidence Session No. 4

Heard in Public

Questions 70 - 86

Witnesses

I: Raisa McNab, Chief Executive Officer, Association of Translation Companies; Bernadette Byrne, Council Member, Association of Translation Companies; Mark Rice, Global Managing Director, thebigword.

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Examination of witnesses

Raisa McNab, Bernadette Byrne and Mark Rice.

Q70 **The Chair:** Welcome to this public session of our inquiry into interpreting and translation services. I thank and welcome our three guests today, and ask them to introduce themselves.

Mark Rice: Thank you for inviting me. I am the group managing director of thebigword, which does interpreting globally.

Bernadette Byrne: Hello. I am the public sector procurement ambassador for the Association of Translation Companies. I should declare that I am a former director of thebigword.

Raisa McNab: I am the CEO of the Association of Translation Companies. Our 240 member companies represent language service companies, from micro-businesses to some of the largest language service companies in the UK.

The Chair: You are very welcome.

Q71 **Lord Laming:** Good morning. Can you share with us your views on the advantages—or disadvantages, possibly—of the Ministry of Justice’s decision to outsource its interpreting services? What have been the benefits, or otherwise, for the courts?

Mark Rice: The value for the public sector has been enormous since it was introduced. There are always challenges when you outsource compared to insourcing. I recognise that the MoJ did an analysis of insourcing and outsourcing before the current procurement process but, from our perspective, we deliver huge value for money because we are able to invest heavily in technology. This means that we can reduce the burden of overhead on the business and pass those amounts over directly to the interpreters. That is the key point.

We also invest in the data side, providing all the data reporting suite that gets sent to the MoJ, and we report daily, weekly, monthly, quarterly and annually. It all gets independently audited. We are also able to use our economies of scale in our wider business. We have call centres and technology that can be used for multiple customers and multiple services across the world. This means that you can take advantage of that without having to spend up front. My mental maths, or my basic maths, got us to roughly £15 million extra; that is what it would probably cost per year to operate it in-house, not including the implementation and set-up costs of building a call centre, et cetera.

The final thing is the interpreter recruitment piece. Recruiting new interpreters into the contract to be able to deliver work is incredibly difficult to do in isolation. If you are an organisation that has interpreters working across a number of contracts in different areas, you can encourage them to increase their qualifications or security levels so that they are available to accept other work as well.

Lord Laming: Do the others want to comment on that?

Bernadette Byrne: Mark has ticked off all the things; I agree with everything. Also, when this was insourced, the different departments worked in silos. Once it is outsourced, you have the opportunity to get best practice, and to standardise and harmonise processes. That leads to process efficiencies, saving time and saving money—all the things that add up to value for money for the Ministry.

Raisa McNab: I agree. Of course, if we are comparing two different scenarios, court interpreting and translation services have never been centrally insourced by the Ministry of Justice. Previously, individual courts had separate lists of interpreters or knew local interpreters. You can imagine the changes that the system has undergone. The main benefit of outsourcing is the centralised management of the contract and the service delivery. Previously, individual courts were commissioning interpreters directly, which meant that there was no central quality control or oversight of all the different court services. The service overall is much more uniform now. That is not to say, of course, that there have not been challenges in delivering interpreting services at this scale.

Lord Laming: If it is all working so much better, why has there been an increase in off-contract arrangements for the courts?

Mark Rice: That is a really good question. There are two reasons. The first is that the overall volumes have increased hugely over the past three years. We are seeing a rise in volume of 10% to 15% just for ourselves. Obviously, our contracted rates are a percentage, but, in terms of a percentage of a smaller number and a percentage of a bigger number, a greater volume goes over to the off-contract. In recent months, there was more going to the off-contract. I am sure that we will come to that later with the technology piece.

Generally speaking, there are times when courts will reach out for off-contract if we have not confirmed an interpreter by 12 o'clock the day before. They are entitled to go off-contract as part of the contract, and they have the ability to bring people in if they need to. We also have had an increase in languages and a change in demographic of languages.

Q72 **Lord Laming:** We have had a range of evidence from interpreters who have not found the new arrangements quite as well as you describe them. Are you aware that there are concerns from interpreters?

Mark Rice: Yes, absolutely. I hear from and speak to a wide range of interpreters on a regular basis. Our fulfilment rates and the fulfilment levels that we operate show that, across the board, our interpreters in the main accept the work and the terms they are sent. There are some people who are not happy with them. We understand that; we would love to understand it more and see what we can do.

There is an assumption that we hold back a lot of the payments we get from the MoJ as profit. I assure the committee that that is not the case. In terms of positive cash flow profit, 2p in every pound is where we

position ourselves. I am happy to share that because it is important for everyone to recognise that, bearing in mind that we have all the operating costs, we transition as much as we possibly can—and want to transfer as much as we can—to the interpreters.

Raisa McNab: Of course, we are aware and recognise that, over the past few years, every single government department has undergone serious austerity measures. Language services are not unique in this. Every department is under immense pressure. We have seen a lot of that filter through not just the Ministry of Justice but all public services work involving interpreting. Part of that is contributing to these challenges.

We also have to recognise—I do not think we should hide behind nice words—that language service companies operate in an immensely competitive commercial environment. Rates play a role in the contracting and tendering processes. Individual language service companies, whether they are ATC members or not, operate in this commercial environment. That has no doubt had an impact on the rates transferred to interpreters.

As a trade association, we represent all types of language service companies, from thebigword, which is a member company, to ones that deliver the off-contract work or work directly with local authorities, for example. We want to identify and promote best practices that will enable us collectively to deliver long-term sustainable improvements that will create a more equitable, fair environment for all.

Q73 Lord Laming: That is very helpful, because it leads to my last question, you will be pleased to hear. What data do you collect on the number of cases in courts that are delayed by the failure to provide an interpreter? How many cases go ahead with an interpreter who does not have the qualifications specified in the contract? Do you collect that data? If so, what do you do with it?

Mark Rice: We do not collect it holistically, because we at thebigword have access only to data on the work that comes our way, which does not cover all the interpreters in the courts. That said, the vast majority are rescheduled; we also offer a remote interpreting option if an interpreter is not available. The final step of check and balance is the off-contract spend. We do not have visibility of it. I would expect that to be within the MoJ's holistic view. We have shared numerous data about our complaints and such like that we receive from our perspective. As you would expect, we provide, as a supplier in this area, an awful lot of data to the MoJ. We do not have a holistic view of the courts, unfortunately.

Q74 Lord Porter of Spalding: On the off-contract work and different volumes of different languages, is that data held anywhere? Can we see a pattern tracker and find out whether the Government should have anticipated that early in the previous contract, and ensure that they have also anticipated that potentially happening in the current contract that is out for tender? It would not be a good show for the Government to find out that we have a problem that we knew we had but will be repeating.

Mark Rice: This is one of the things of value that we bring to the table as an outsourcing company. We invested heavily in AI, in machine learning, but for predictive analytics, for the demand and supply measures. We do not get any visibility of what bookings are potentially coming in six or nine-months' time. We just receive booking and then have to predict that volume. Taking that further forward, we have an analysis predicting where the language volume will go, because the demographics are changing.

Over the last two years, that has changed hugely. We have moved to more Albanian and Sorani Kurdish. In the past it was Polish, for example. You can see that in rates of pay, volumes and everything that is in between. We invest heavily in that predictive part for demand, because we need to be able to see a year in advance whether a booking will be fulfilled. More importantly—this has not been shared so far in this committee, so apologies for sharing it—the range of booking requests that we receive are from one hour before the booking until infinity, maybe 12 or 18 months into the future.

The mechanism that you use to have an interpreter of whatever language an hour before the job would be very different from something that is a year in the future which will last for 12 or 13 weeks. We have the view of the language changes, and we have shared information on the current interpreter amounts that we have.

Q75 **Lord Carter of Coles:** Being fairly direct with you, if I may, not starting from any particular position I want to press you on the word "competitive". Obviously, there is an element of competition here, but is it really the right word to use for the position that your company is in when you have a contract with the MoJ and no one else does? It does not sound to me, rather naively perhaps, very much like competition. I appreciate that you cannot do everything, and that other companies and individuals are waiting to come in, but is the real position not that you have a monopoly private position here that is not really the point of outsourcing? Where is the competition, given your relationship with the MoJ, and is it a good thing?

Mark Rice: I do not think that I used "competitive".

Lord Carter of Coles: No, Raisa McNab used the word.

Mark Rice: From the perspective of thebigword, we would not necessarily say that we are competitive in that position. However, history is a good explainer of information, even if we do not necessarily recognise it today.

It has been shared in the committee recently that the first two organisations that attempted to have the ability to deliver this contract did not do it well at all. They struggled financially and it did not work for them, whereas thebigword took a different approach and was the only option on the table in 2016 to deliver this contract moving forward. That is where this came from. I can understand the description of a monopoly

because we are the only ones there. However, off-contract goes to all different types of agencies up and down the country from small ones to our biggest competitor, who would receive work from the MoJ locally off-contract rather than from us.

For the new procurement contract, which you will appreciate I cannot say too much about, generally speaking out in the public domain two providers will be selected—a lot 1 and a lot 2. That should create more of not an internal competition but a check and balance between producing off-contract—

Lord Carter of Coles: What do you think of that idea?

Mark Rice: It reduces risk for us as a business and for the MOJ. It also means that you can ensure that the standards, qualifications and security clearance are always there, even if you are going off-contract. One of the challenges that we have at the moment is ensuring that those standards are in place regardless of a judiciary decision of an interpreter to come into the court without necessary a check and balance or whether it goes off-contract and we have had no visibility of those interpreters' qualifications or security clearance in advance. I think it reduces risk for everybody.

The Chair: Can you be clear about that? I understood that there were going to be two contractors following the next contract tender and that you would be sub-contracting to them, but that is not what you have just described, which is that there will be two and the courts can go to either of you.

Mark Rice: It is a slightly different model. If we are successful—obviously we are grading this as well—lot 1 has until three days before the hearing to source an interpreter, and the lot 2 provider can come in with three days to go until the booking. That is how it is divided up.

The Chair: So it is split in that way.

Mark Rice: It is also to reduce the off-contract spend and the lack of control in that area, but I did not write it. I am just playing back what I am reading through at the moment.

Q76 **Lord Mott:** I am conscious of a few things that you said, Mark. If I have missed this then I apologise. I do not know whether we as a committee have the data that you provide to the MoJ. If we do not, can you provide it? One of the things that we struggled with was getting real data as opposed to lots of very lovely stories. If that is possible, it would be really helpful.

My second question is completely different. You talk about sometimes being given only an hour's notice. Where does the responsibility for that lie? We all know that from time to time people get delayed or are unwell, but if that short notice is delaying court time, where does responsibility lie regarding that incredibly short notice that you are sometimes getting?

Mark Rice: From a pure data perspective, we can provide that. We have provided a number of examples already.

The Chair: You have been very helpful. You have provided a lot of data. Thank you.

Mark Rice: We try to give a general position that you can see. We would not be saying, "We can't answer that because of the procurement process". On the actual bookings, roughly a quarter of the bookings that we receive, 27%, are with 24 hours' notice or less to provide an interpreter. So the booking is created, and we have 24 hours' notice to source them. Of that 27%, about a third are within three hours.

Lord Porter of Spalding: What notice do the contractors have, the people trying to contract with you, that they need somebody? Is that genuinely that a court has only just found out that somebody is needed or is it that somebody in the court system did not bother to do their work and book it within an appropriate notice period?

Mark Rice: There are always situations where there might be an urgent need.

The Chair: Bail hearings, something like that?

Mark Rice: Yes, absolutely. I am not necessarily complaining about the short notice.

Lord Porter of Spalding: Speaking from a taxpayers' point of view, anything we can iron out will save somebody some money somewhere.

Mark Rice: It makes a huge difference to the approach. Obviously, we must incentivise interpreters at short notice to attend. Likewise, if we look forward into the future, one of the biggest challenges is that we have a year's notice, an interpreter will accept a job for 12 weeks of four days every week and then, on the first day of the trial, it is cancelled or postponed. We are then as frustrated as the interpreting community. It can be very frustrating for them.

The Chair: Just so we are clear, as this is an important point, in courts with a jury, which should require the highest-qualified interpreters, that would not be at 12 hours' notice. That would be scheduled in the court.

Mark Rice: Usually, yes.

The Chair: I would imagine always, because you have to get the jury. So we are talking about bail hearings. If we take the riots as an example, it would be all those people who went into court the following day for a short hearing. That would not need the same level of qualification, according to the table that we have, because they are not jury trials. It is a slightly different task that you are being asked to do at that point.

Mark Rice: Exactly. It is a slightly different task with a slightly different type of interpreter. All our jobs and assignments booked by the courts have an attribute saying what the booking type is. That booking type can

be fulfilled only by an interpreter with those relevant qualifications and security clearance.

The Chair: That could be a half-hour hearing, or something like that.

Q77 **Lord Prentis of Leeds:** Good morning, everybody. We have had a number of sessions already, which you will know about. You may have read some of the evidence. We have heard concerns, time and time again, about the pay and conditions of court interpreters. It has been said that they are poorly paid with little professional development, so people leave rather than see it as a career. There is a question of late payments and the lack of relevant information going into the court, and there have been questions about the new booking system. Mark, in your introduction you said that there was a real issue of recruitment.

If those issues are true, no wonder it is difficult to find court interpreters. I am sure there is competition for them, not in Britain but perhaps in Brussels or Geneva. What is your view of these points that have been made to us very strongly over the last few weeks?

Mark Rice: Interpreter pay varies as it goes. We shared in advance that the average interpreter rate this year is £46 per hour. Not everyone gets that, but it is the average. To put that into context, I used my favourite AI tool, which told me that teachers currently get £25 per hour, junior doctors get £30 per hour and an MP's basic pay is £42 per hour. The £46 per hour is not necessarily what every interpreter is getting, and it does not mean that they are necessarily working 37.5 hours per week, but that is a very competitive rate to attract interpreters into the system.

Going a step further, to maintain interpreters working for us, it is important, going on to your second point, to ensure that they are paid effectively and on time. The issue that we had earlier in the year was that some interpreters were unable to invoice us, so we were not triggered to pay them. That is the ultimate explanation. As we can see though, our average payment dates were between 30 and 60 days since the start of the contract, which is how it always has been. That aligns with how we get paid, ensuring that from a cashflow perspective we are not paying out huge amounts in advance of us being paid. That covers those two bits.

Bernadette Byrne: It is interesting, I did not know those rates. Definitely, the rates of pay need to be looked at, but it is a scale, from entry-level interpreters through to the very highly qualified. It is not a one size fits all. You have to look at pay and qualifications commensurate with the types of roles that they are doing in the courts.

Also, as well as pay or rate per hour, the other conditions are equally important. You might only get one hour but it might take you three hours travelling, the expenses, all the things about cancellation. You have been booked for three hours but are only used for half an hour or it is cancelled at short notice. Those things all tie into the rate per hour, which needs to be looked into.

Mark Rice: Can I address the professional development piece from my side? We are an organisation that works with freelance interpreters. It would not be appropriate for us to be training or developing freelance interpreters. That is more of an employee relationship than a relationship with a freelancer. We recognise that they absolutely should be able to get continued professional development, but that would not necessarily come from ourselves or other equivalent language companies.

Lord Prentis of Leeds: Where would it come from?

Mark Rice: There are independent organisations that offer development and training.

The Chair: They have to pay for it.

Mark Rice: Yes, they have to pay for it. That is the difference.

Raisa McNab: We and our members have to work together with the associations and organisations representing translators and interpreters, to identify and understand what kind of training and continuous professional development is needed. A weakness that we have had in this landscape is that we have not had clearly mapped-out career pathways and career progression. This has hampered the overall availability and delivery of our professional development work.

In terms of the interpreter rates and terms and conditions, cancellations and what Bernie and Mark were talking about, with the ATC we have been trying to identify the mechanisms that we could recommend across the board, not just for the courts but for public service interpreting, which would enable language service companies to participate in tenders, deliver services on the efficiency of their work. Those are linked to the requirements at framework and contractual levels.

You have already heard about the national police PAIT scheme, which is the first to have applied a minimum-rate threshold. When you use mechanisms like that, or harmonise best practices around cancellations or minimum duration, it creates a level playing field, meaning that the language service companies delivering or tendering for contracts are comparing apples for apples. That secures that level of delivery for the interpreters without putting language service companies in a position where naturally the rate will be one competitive advantage as they are also in the tendering process. They are also weighed. If you remove that and harmonise best practices across the board at the framework level, it creates a much more equal playing field for everyone and safeguards the delivery, the pipeline and the livelihood of the interpreters themselves.

Q78 **Lord Prentis of Leeds:** My question is about the police approved interpreters and translators scheme and whether you believe it should be introduced for court interpreters.

Raisa McNab: One of the key elements that we should mention here is that the police scheme is quite a uniform delivery. It is very similar types of interpreting assignments. That means that one threshold is

appropriate. Bernie alluded to this idea. There needs to be some kind of sliding scale of services, because today we are talking about court interpreting, but the MoJ contract as a whole is much wider and covers many other types of assignment. Other public service interpreting contracts also cover a huge number of different types of assignments, modes and requirements. I agree that it is probably not one number. It is a sliding scale depending on the complexity and demands of the assignment and the requirements needed for it.

Baroness Stedman-Scott: You talked about the average of £46 per hour. What are the minimum and the maximum?

Mark Rice: There is no contracted minimum rate.

Baroness Stedman-Scott: But what are the minimum and the maximum that got you to £46?

Mark Rice: That is all the data that—

Lord Porter of Spalding: That might be a mean average, but what are the outliers? Is there someone on £2,000 per hour skewing that demographic and someone on minimum wage?

Mark Rice: No, there is no one on minimum wage per hour. It ranges, I think, from £35 to £76. It is in that region, but I would have to refer to my notes to be exactly right.

The Chair: Would that be determined by the market or by different languages or complexity of case?

Mark Rice: It is by languages, mainly. The interpreter rate consists of the minimum base rate, which is about £22. Accepting a job from the system gives you an additional £10 to £20. There are other urgency factors, and such like, that build up the whole thing. Then you have travel and travel time. That makes up the whole interpreter package. Put that all together, and that is where the average comes from.

Lord Prentis of Leeds: Do you have a written scheme that sets out those payments?

Mark Rice: Yes, absolutely. We can share that with you. We have shared some of the outcome data, but we can share how it is calculated as well.

Baroness Stedman-Scott: When you look at what junior doctors and teachers get paid—you have shared the average and the outliers with us—why do you have such problems recruiting?

Mark Rice: I do not think we have huge problems recruiting, post Covid. During Covid, there was a significant drop-off in interpreters taking interpreting work. We recognise that, and we have been recruiting quite heavily. This year alone, we have been bringing in perhaps 40 or 50 more interpreters each month.

Baroness Stedman-Scott: That is encouraging.

Mark Rice: It is really encouraging. It has also brought the average age of the interpreters down. It was 59, I think, but it is now around 52. That does not solve all the problems, but we are moving in the right direction. The number of unique interpreters who are accepting work has mainly stayed flat. There has been a slight drop-off, but we have recognised that and, in the past year, we have been increasing.

Baroness Stedman-Scott: If you book someone for three hours and they get used for only half an hour, how do you look after them? They have made a commitment to do it, but they have been used only a bit.

Mark Rice: We can get paid to the same plan. From 1 October, for HMCTS face-to-face bookings they would be paid for the two-hour minimum.

Baroness Stedman-Scott: And you would get paid for the two hours? And it is 2p in the pound?

Mark Rice: Absolutely.

The Chair: Would it be the same had it been eight hours reduced to half an hour? Would they still get two hours?

Mark Rice: Two hours, yes.

Baroness Stedman-Scott: Okay. Thank you.

Q79 **Lord Shipley:** I want to pursue the issue of the recruitment of qualified interpreters and translators. I think I heard you say that you are recruiting 40 to 50 of them a month. Can you tell us whereabouts in the world those people are, by the way, and whether you have any gaps in some languages? However, I want to question level 6 specifically. If there is a requirement for level 6, what does that do to your recruitment?

Mark Rice: Sorry for jumping in but, from my perspective, level 6 has two sides: level 6 DPSI, and level 6 degree-qualified. Let us assume it is both of them and the insistence was that all the work needed to be done by that level. One way of looking at it is that we have 50% less interpreters to do the work. The other way of looking at it is that 50% of interpreters who are currently getting work would suddenly not get work through the courts if we implemented level 6 overnight.

We recognise level 6 and think that is a good move forward generally, with the DPSI and the degree, but a phased approach towards it is probably more appropriate for recruitment so that the existing interpreters have time to be able to upskill and develop.

Lord Shipley: Can you be specific? Of the 40 to 50 new interpreters you are recruiting each month, how many of them are at level 6?

Mark Rice: I would have to come back and confirm it, but I suggest that it is about 50%.

Lord Shipley: About half, you think.

Mark Rice: Yes.

Bernadette Byrne: The challenge in recruitment, certainly for face-to-face court interpreters, is that you need to have the right language in the right geographic area, which is also complicated. As we move into using more technology, the use of video remote interpreting frees up interpreters who might be at the other end of the country to do that kind of interpreting. That use of technology really helps the recruitment process.

Lord Shipley: So, in other words, we will be using technology and people will not be face to face. In fact, they could be anywhere in the world, could they not? You said "at the other end of the country". I just want to be clear whether you are in fact saying that the interpreters or translators could operate from anywhere in the world.

Raisa McNab: There are security issues with certain contracts.

Mark Rice: For this contract, everyone needs to be on UK shores because it is part of the extended cut.

Raisa McNab: We know that, fundamentally, there is an issue in the UK around recognising the value of languages, translation and interpreting, and that language learning has been on the decline for many years. We also know that there is huge potential in multilingual communities for community languages that are totally unrecognised in the educational system, and so on. A lot of the development work and long-term improvements should also look at how we can leverage that linguistic potential and build those career pathways—especially for the community languages in which you cannot get a languages or translation BA or master's degree anywhere in the UK. That is one issue.

Immigration is another issue. There are, of course, qualified translators and interpreters outside of the UK. Currently, there is no immigration route for qualified interpreters and translators coming to the UK to work as self-employed, so there is no way for us to attract more already-qualified people. Most of the future public service interpreters in the pipeline will be home-grown. We need to build clearer pathways here, because you cannot just go into the courtroom and start interpreting. It is about qualifications but also experience. We need that to happen, as well as looking at the delivery of current court interpreting.

Q80 **Lord Shipley:** Can I move on to quality assurance? You, Mark, said earlier in your initial statement that you are independently audited. I think you meant quality assurance auditing, but I want to clear about what you meant by "independently audited". Also, what do you feel about the process of scale for the quality assurance service provided in the courts? Are there other models that could be considered? From some of the evidence we have heard so far about quality assurance—with spot checks, mystery shoppers and so on—I am not clear that it is particularly effective.

Mark Rice: To clarify the first point, I was talking about the independent audit of our data—the data that we share with the MoJ. It reviews and audits that. It also comes and audits us on site to ensure that the data is clear. I was referring to the data that we share in response to that question earlier.

Lord Shipley: The data is numerical data, is it?

Mark Rice: Yes, it is numerical data.

Lord Shipley: Is it figures?

Mark Rice: It is financial numbers and such.

Lord Shipley: What about quality?

Mark Rice: We are quality assured by the Lot 4 provider, which is The Language Shop. It ensures that the interpreter is of the correct standard and is on the register, and it makes sure to audit our list at all times. On whether it is good, again, it comes from the start. To begin with, there was no quality assurance at all. When the lot 4 provider came in, there was an agreement between the lot 1, lot 3 and lot 4 providers, together with the MoJ, to establish an effective quality assurance framework. There is, I think, a recognition from everybody that all processes can be improved and are not perfect, but that was the base level they started with. It is about progression and how it improves.

I agree with the mystery shopper piece. I have heard that. We all recognise from the evidence that it would be very difficult to do this in certain circumstances, but that is not the only check the quality assurance provider does. They will have a complete copy of our interpreter data and will be able to review whether they are on the list, whether they have the correct qualifications, et cetera.

Lord Shipley: Thank you. Does anyone want to add anything about quality assurance?

Raisa McNab: I just want to add that, fundamentally, the quality assurance process in place at the moment is very much in line with the types of auditing processes we see in the implementation of ISO standards in terms of how compliance with those standards is being audited and certified. One of the key questions that has come out the statements you have heard before is whether the sampling mechanisms and the bells that should be ringing when there is an issue at court are being escalated efficiently enough.

We heard from the Law Society and previously that nobody reports when they see a problem. There are many things within the quality control mechanism that can be improved that do not necessarily mean that the quality control system per se is faulty. Certainly, the way issues are escalated and reported, and how they are taken into the quality control process, could be looked at. We have heard that people do not know how

to report issues, but if you do not report an issue it does not get triggered into the system and does not get taken into account.

Of course, the quality management process is much more than just the sampling of issues. It is the totality of the qualification and competence requirements, whether they are being transferred into the live environment and how the quality control process works. There are lots of different way that you can look at improvements in that process.

Bernadette Byrne: It is becoming more prevalent. The Crown Commercial Service has also included a quality assurance lot, so I think we will see more and more independent assessment and verification as part of the public sector frameworks and contracts.

Q81 **Lord Willis of Knaresborough:** I explained to the Chair why I was a little late this morning. My apologies for that. I loved getting your document with all the information in it, but it made me feel even more worried about what the committee could produce as a recommendation to government. I thought that we would, in fact, be able to say that level 6 was an automatic qualification and that, unless you had it, you could not belong to the service. From what you have said, that is clearly not going to be the case. When I examined the numbers of different languages, which was incredibly useful to us, it was really interesting that you have only nine languages which have between two—

The Chair: Is this okay with you? This was in the document.

Mark Rice: It is okay.

Lord Willis of Knaresborough: I will not say anything.

The Chair: I wanted to double-check, because it is pointless checking afterwards.

Mark Rice: I think I know what the question will be, so I think it is okay in terms of the data.

Lord Willis of Knaresborough: The majority are, in fact, between one and 10. The idea that you could get level 6 for all those languages, which is what you said before, is absolute nonsense.

The other thing is that your averages for wages make no sense, because the difference between, for instance, someone with Polish—there are literally tens of thousands of people available to deliver the language, and you can get a level 6—and some of the languages that I cannot even pronounce makes it just impossible. You could not possibly have a set of payments that meet that.

I am confused as to what you would recommend, going back to the issue of the qualifications and quality assurances that we can put in place so that when this new contract comes out, which you are going to tell us all about in a minute, it will do exactly what we want and the interpreters want, which is to be treated fairly and justly.

Raisa McNab: On the qualifications issue, in the scope of this committee, it is important that we recognise that there has very recently been a full and comprehensive review of the MoJ qualifications requirement by an independent assessor, who is a language services expert and ex CEO of the Chartered Institute of Linguists. That was an extensive review of existing qualifications and the needs and complexities around delivery but also involved extensive stakeholder engagement. We understand that the recommendations in that MoJ qualifications review are planned to be implemented in the new contract, but, of course, with the change of government they have been sitting on a shelf waiting for the right moment, as I understand it.

A review has already been commissioned by the House of Lords. It is an independent review with full stakeholder engagement. I do not think there is much that we can or should add to that at the moment, because it has already gone into considerable depth on the requirements and delivered recommendations that have been tailored to the needs and complexities of the Ministry of Justice.

Lord Willis of Knaresborough: Do we have that?

The Chair: It is mentioned in the notes.

Lord Willis of Knaresborough: But do we have the review itself?

The Chair: If we do, we will share it. We will revisit it after the session.

Mark Rice: Picking up on the number of interpreters and suchlike, Lord Willis brings to life what a great job the interpreters do, but also what a great job some of my team do to make sure that the vast majority of cases have a qualified interpreter attending at the time they are meant to, even at short notice. It is an incredibly complex picture, because every language profile is different.

For every language profile, the supply and the demand change on a monthly or quarterly basis, particularly with migration, the increase of asylum reviews and asylum courts, and such like, over the last couple of years. That means that you suddenly have to encourage more interpreters to take a certain language, which will increase their average rate, whereas other languages that were historically in huge demand might have declined slightly in demand but still have a huge supply of interpreters, so they take the work from the app automatically as soon as it comes out. As soon as the offer is there, they accept it straightaway. To a certain extent, it is market forces that dictate that, but I understand the question and why it was raised, because it is a very complex topic by language.

Q82 **Lord Prentis of Leeds:** Mine are quick questions that relate to quality assurance. Do you undertake staff questionnaires? Connected with that, do you do leaver interviews when an interpreter leaves? Is any interview done to find out why?

Mark Rice: We absolutely do that for our internal staff. We have an internal employee engagement survey for our staff, the big word employees. As part of our standard HR process, they have a leaver's interview when they leave. The interpreters, however, are freelancers, so they do not really resign or leave, but we have a survey once a quarter of all our interpreters where they can feed back what they feel about the service overall. That is not just for the MoJ but for all our clients that we service. We would be happy to share our interpreter satisfaction scores from the last year with the committee.

Lord Prentis of Leeds: Yes, please. That would be really useful.

Q83 **Lord Mott:** I will follow up on some of the comments after Lord Shipley asked you a couple of things. It occasionally feels as if recommendations can be free, and committees often produce reports and recommendations that add a whole section of cash to government spend, but I wonder whether we have stumbled into a couple. I want to be clear on non-UK videoconferencing for interpreters and translators. Why is that? I am interested to know why somebody could not be sitting anywhere in the world on a videoconference translating, particularly if there is a particular problem around that language.

The second question is on immigration routes. I do not want to come on to the Chair's question, but that feels like a fairly sensible recommendation. If we are short of particular language skills, that feels like a very neat way to deal with it.

Mark Rice: I can pick up on the non-UK question. We are not allowed to use non-UK interpreters. It is defined as the interpreter having to be an extension of the court—the law of the land—so if they are involved in the court proceedings, they need to be physically in the British Isles. But I share the point that there is a supply around the world that, technology-wise, could be used. It is just whether we can use it legally.

Lord Mott: I do not want to prolong this bit, but can we look at why that is and whether that change is possible?

The Chair: Yes.

Raisa McNab: Then, of course, with remote or non-UK delivery, there is the challenge that interpreters working within the courts system or any public service system must still have intimate knowledge and understanding of how the British system works to be able to interpret or translate correctly. That is a challenge for overseas procurement.

On immigration routes, we know that immigration barriers are much higher now than they ever were. One key challenge for translators and interpreters specifically is that, because they are self-employed, most are sole traders and there are no immigration routes for that. Some kind of gateway through that would certainly facilitate the long-term development of this pipeline or enable us to address the rapidly changing circumstances that we cannot predict; for example, the language profiles

that we will need in five or 10 years because they are related to global geopolitical developments, immigration patterns and so on

These are some of the challenges. That is not to say that we do not need to look also at professional interpreters' working conditions, remuneration and so on, because it is not an easy landscape for them in which to have a fulfilling and professional career. You have heard about the fluctuation of languages, the demand and the pipeline issues. They are self-employed sole traders, but there are no guarantees that today we will need Albanian while tomorrow we might need something else. There are the geographical challenges as well.

We absolutely need to work on those to ensure that we still have a qualified, competent workforce to deliver those services. Regardless of what technology enables us to do, we will still need their professionalism. To find the mechanisms by which we can do that is really important.

Q84 Lord Mott: I will try to be brief, because we have drifted into this anyway. What is the role of technology in improving or enhancing interpreting and translation services in the courts? I want to focus not just on the present but on where we might be in two years or five years, so that we can be front-footed around where things may develop.

Mark Rice: My former role was as the chief information officer with thebigword. I am a huge advocate of technology, AI and such like. As I said, we use it in a lot of our data work.

For the interpreting market, lots will change in the future. The timescale to a "Star Trek" universal translator is probably somewhat in the future because of the challenges related to workflows and how that goes, but there are steps along the way that, if technology is adopted, could help us, the interpreters, and ultimately those in receipt. For me, that is the delivery of a video interpreting assignment.

The video solution available at the moment is holistic: it covers 80% of use cases. However, for use cases where an interpreter flips between two languages and everybody in the meeting wants to hear their native language, it is simply not designed to do that; it is designed to facilitate various types of meeting.

But that technology is available today, and it could enhance hugely the amount of remote interpreting opportunities that take place. I say that, because, since Covid, the number of video remote interpreting hearings has reduced. They were really good for interpreters, they were really good for us, and they were really good for the people who needed the interpreting at the end, because it meant a consistent supply. One person's supply went suddenly from three hours in a day—because they have travel here and there—to six, seven or eight hours in a day, which is good for everybody and stretches the supply chain.

I think the universal translator will happen in 10 years or so, but I would like to be proved wrong on that and for it to come earlier, because I did not think two years ago that SpaceX would have self-landing rockets that

would be grabbed. The rate of development in AI and technology is incredible. We need to safeguard and be safe, but how technology is adopted by people in and around courts—ushers, interpreters and us—and how we utilise the technologies that are already available will probably give you a prescription for how long the road map will be for any future development.

I would emphasise remote interpreting. Likewise, we have spent a huge amount of time, effort and money on AI predictive models so that we can better understand what a court in Leeds will require, for example, six weeks on Thursday. Being able to predict that will help everybody, so we have put a lot of time and effort into that. That will come first. Remote hearing, we can sort, and I do not think we are a million miles away from a solution that can help some of the less sensitive and data-sensitive cases.

Raisa McNab: The languages services industry is one of the first to adopt AI-based solutions and use them in production environments. We have not heard a lot about translation, because that area carries the least risk and can be controlled the best. In translation, as you have already heard, we have been using AI-powered technology for many years already and it is of a very high quality. The risks around it can be controlled.

We want to advocate what the newly adopted EU AI Act advocates, which is a risk-based approach: that is, building trustworthy AI that puts people first by protecting data privacy, which is of course paramount in this respect. It will be a journey, and we have seen how fast this technology progresses. We have also seen that it is the commercial environment that speeds up development. In a way, the public sector can benefit from the improvements that we see coming through in the commercial environment, but it is also a bit of a handicap because, in the commercial environment, we are talking about a restricted number of languages and commercially available data that can be used to train the engines. We have heard that data to train a machine interpreting engine specifically for court cases is thin on the ground. We know that there are huge challenges with languages, different dialects, colloquialisms and so on, so it will have to be a progression where we use and leverage the power of the developing technology but without risking the delivery of justice.

We have also heard that there are still serious infrastructure considerations, so if there is no wifi in half of the court building, that is a major blocker.

Mark Rice: Can I just suggest one point on machine interpreting? It is a big point, because people talk about it a lot. They are one side of the aisle or the other: it will be brilliant or it will not work.

The big problem with all machine interpreting speech-to-speech does not exist in any commercial form at the moment. It is speech-to-text, text-to-text, text-to-speech. That lag takes too long.

Let me take the language out of what an interpreter does for a second. They listen and speak at the same time continuously. It is incredibly impressive. One of the interpreters we work with recommended that my team get a better understanding of how interpreters operate by putting "Sky News" on our headphones—other news channels are obviously available—and saying those words back directly. It is really difficult. They do a brilliant job. On top of that, they have to interpret it in their head and give sentiment and empathy,

The technology is on its way. The lag is too big—there is too much of a delay at the moment—but it can help on certain things. It will probably get there at some point in my lifetime.

- Q85 The Chair:** That is really helpful. You have been very straight with us about what you can do and what is outside your ability to change because of the contract you have got. On some of the key things on which I think we would all agree, such as training, proper salaries and your ability to have greater management of interpreters so that you could plan more effectively, the answer has always been, "We can't, because they are freelance". I completely accept that, given the contract, there is nothing you can do about it, but that is a problem, is it not? It just makes me think that those things are going to remain if the next contract is exactly the same.

I am conscious of time—you can always write to us—but is the problem the structure we have that does not allow you to solve the problems that you know exist in the sector? Is there a different way of delivering this whole service that would mean that when we ask you about training, availability, career promotion and things like that, you can say, "Yes, we can deal with that"?

Mark Rice: Yes, there is an alternative. Just because of the procurement, it would be better if I write to you about the alternative. When I survey interpreters and we speak to interpreters, there is not just one point of view.

The Chair: There is bound to be.

Mark Rice: There is balance on both sides. There are interpreters who love being freelance and can work with whoever they want to whenever they want to. There are also interpreters who say that they only work for the MoJ. There is also everything in between. We try to create a balance within the frameworks that we work within. I would not advocate forcing 50% or 60% of the interpreters across the country into a formal hourly paid arrangements. That would not increase the numbers or the quality.

Likewise, the views that have been shared absolutely should be listened to. There is probably a different approach to take on that which could work for both sides, if I can write to the committee on that.

- Q86 The Chair:** You can. Can we finish with a non-question? What one recommendation would each of you suggest that we include in our report, bearing in mind that it goes to government, so that it who the

recommendation is being addressed to?

Raisa McNab: My recommendation is to identify and promote the mechanisms by which we can safeguard the delivery of interpreting services by putting in place at framework and contractual level the minimum requirements for remuneration, terms and conditions, minimum cancellation periods. This creates a more level playing field for everyone and safeguards the interpreter pipeline.

Bernadette Byrne: I would talk about unlocking the huge potential of multilingual communities and looking at the pathways to advancing their careers.

Mark Rice: My first is minimum interpreter rates to prevent a race to the bottom in procurement exercises. Secondly, embrace technology to get remote interpreting work in effectively as soon as possible. Finally, please help us to improve the interpreter experience in court. That might seem a surprising comment from me.

The Chair: No, we have heard evidence on that.

Mark Rice: I have witnessed it myself. Sometimes they get considered to be part of the defence or—

The Chair: Security issues.

Mark Rice: There are lots of challenges there. They are my three.

The Chair: Thank you very much for your contributions today. We have moved at speed, but you have been very helpful and enhanced our understanding. We look forward to considering it along with the other evidence.