

The Chartered Institute of Linguists – Written evidence (ITS0020)
Evidence to House of Lords Public Services Committee Inquiry into Interpreting and translation services in the courts

To what extent do the current interpreting and translation services provided in courts meet the needs of those involved in proceedings, including defendants, witnesses, prosecutors and legal professionals?

1. By European and world standards, the UK has one of the more advanced systems for the provision of Public Service Interpreting, featuring Government and public service procured frameworks, qualifications, and a National Register for Public Service Interpreters. Public service translation is less transparently structured.
2. Stakeholders and scholars highlight that public procurement policies in the UK under the last government — and most notably the move by the Ministry of Justice to contract private agencies to supply court interpreters — have led to deterioration in rates of pay and working conditions for interpreters, skilled interpreters leaving the profession, and fewer and fewer would-be interpreters coming forward for qualifications and registration as public service interpreters. In effect, interpreters are now operating with a ‘gig economy’ where they are booked like Uber drivers or Deliveroo riders.
3. The consensus view among academics and languages stakeholders is that these changes have led to a progressive devaluing and increasing risk of de-professionalisation of public service interpreting, due to contractual terms and pricing pressures being passed down the supply chain. For interpreters themselves, the consequences are lack of professional recognition and inadequate compensation where the rates paid are insufficient to live on.
4. The onward consequences for defendants, witnesses, prosecutors and legal professionals are a reducing pool of suitable interpreters. This can lead to delays, mistakes, and the risk of the use of interpreters who do not have the requisite qualifications, experience and understanding of and commitment to professional standards for interpreting which court users need and expect.

How have interpreting and translation services changed in recent years?

5. The main changes have been driven by the outsourcing of language services to Language Services Companies, causing significant reductions in the rates of pay passed on to interpreters, deteriorating conditions (short bookings, short notice cancellation, reductions in travel allowances) and less transparency on the use of under-qualified interpreters.
6. Moreover, the dominance of a few companies in the market exacerbates the issue, leaving both end-users and interpreters with limited options, further compounding the risks of a lack of transparency and inconsistent quality control. The absence of transparency and the absence of transparently structured quality control—where end-users are often not aware of interpreters' qualifications—is a key contributor to de-professionalisation.
7. This is a simple product of competitive tendering pushing the work to outsourced providers, with downward pressure on pricing and no controls over the rates paid to the end interpreter.
8. More spend from government - and a guaranteed and more reasonable rate paid/or 'passed through' to interpreters - would be needed, to arrest the decline in numbers of people joining and staying in the interpreting profession.
9. Fewer and fewer universities are offering courses for public service interpreters (declining demand, driven by unattractive pay and working conditions for PSIs, coupled with the financial pressures Universities themselves face) means the number of candidates presenting for the Diploma in Public Service Interpreting has reduced year on year since the mid-2010s across all three vocational qualifications providers.
10. Finally, the dominance of one or a few companies with a virtual monopoly over interpreting and translation services has also impacted Local Authorities' own pools of interpreters for both community and rare languages. Local Authorities had previously addressed local needs by organising training and developing their own, trained and reliable groups of regular interpreters. Although these were not fully qualified, there was a degree of accountability and quality control in place for interpreters – notably of less common languages, which helped meet the demand for these services. Importantly community interpreting in Local Government and the NHS also provided a pipeline for Court Interpreters.

11. The situation in the Courts is in part the result of the contracts used to supply the Courts, but also the loss of structures, support and throughput of interpreters from community and health interpreting.

What are the key issues in the provision of interpreting and translation services and what impact do they have on the running of the courts, public trust, interpreters and translators.

12. A reducing supply of qualified interpreters, across the broadening range of languages now required by the courts, is leading to growing dissatisfaction among the remaining public service interpreters and fewer and fewer linguists seeking to make a career as a public service interpreter.

Is there data on the number of miscarriages of justice due to ITS error?

13. If it is available, it has never been made available by the Ministry of Justice or Court Service or any of the UK Governments to our knowledge. There have been articles and periodic press coverage, but no routinely collated data is made available to the public/stakeholders.

14. Recent illustrative examples include:

- <https://www.bbc.co.uk/news/uk-wales-68569298>
- <https://www.bbc.co.uk/news/uk-england-bristol-66605536>
- <https://www.bbc.co.uk/news/uk-england-46838858>

Are the required qualifications and experience of interpreting and translation services in the courts consistent?

15. All the stakeholders are united and consistent in recommending and requiring a Level 6 (degree equivalent) vocational public service interpreting qualification. The best known and longest established of these is the Diploma in Public Service Interpreting (commonly known as the DPSI Law) which is offered by three different vocational qualifications providers under Ofqual regulation.

Are the recommended requirements standardised across all governing bodies, contractors, and institutions?

16. No, the Police have more consistent and higher standards than the Ministry of Justice (MoJ), albeit the MoJ has commissioned an Independent Review, which first reported in January 2023 and recommended Level 6/DPSI, and the MoJ have said they will implement that requirement in the next generation of contracts.

Are the current requirements fit for purpose?

17. They would be, if the standards which the Police have adopted, and which the MoJ in principle have agreed to in their Independent Review were implemented - as circulated in March 2023 and published the National Register of Public Service Interpreters website in May 2023: <https://www.nrpsi.org.uk/downloads/230509-MOJ-QUALIFICATIONS-FRAMEWORK-DRAFT-agreed-in-principle-and-subject-to-a-final-decision.pdf>

What quality assurance and complaints procedures are in place in relation to interpreting and translation services in the courts?

18. These are run by an outsourced provider – The Language Shop (TLS) – and include a complaints process, reviews and ‘mystery shopping’ albeit there is no readily available information on the ‘inputs’ i.e. how often a suitably qualified and experienced interpreter is used.

19. The reporting is on ‘number of interpreter of requests fulfilled’ and ‘number of complaints received’ which makes it hard to understand any of the qualitative or causal/underlying issues. This is a product of the contracts and the MoJ, not the fault of TLS the provider, who are simply doing what the contract/MoJ requires them to.

How easy is it for people to report or submit a complaint?

20. The process is there, however complaint numbers are low – which of course could mean either there are few issues or that it is hard to complain. Different stakeholders take different views on this. The initial point of contact for complaints is the company that provided the interpreter, who has little incentive to systematically gather this information or make it accessible to the public.

What data exists on the number and types of complaints made?

21. High level stats on numbers of complaints are generally limited to broad percentages as in the response to the this Parliamentary Question from 2021 here <https://questions-statements.parliament.uk/written-questions/detail/2021-02-22/156382#:~:text=Complaints%20about%20the%20quality%20of%20interpreting%20or%20professional,confirms%20that%20the%20 requisite%20standards%20have%20been%20met.>

22. There are experimental statistics from 2023 which suggest complaint levels are steady at c1% <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-july-to-september-2023/criminal-court-statistics-quarterly-april-to-june-2023#experimental-statistics-language-interpreter-and-translation-services>

How easy is it to recruit and retain skilled interpreters and translators to work in the courts?

23. Increasingly difficult, as above. The number one issue is pay rates – public service interpreters cannot make a living on the rates of pay that are passed through to them by Language Service Providers, given the constraints of the current outsourced contracts. This is the central problem.
24. Absent improved rates paid to Public Service Interpreters, it is inevitable that the number of interpreters will reduce; fewer people will be able to afford any training or qualifications, and the service provided to courts and the justice system will continue to degrade. Whatever else is done, a new government must address the actual rates of pay passed on to interpreters.
25. Interpreters also feel less and less valued as professionals. This reducing professional recognition ignores the fact that interpreters play a critical and highly skilled role in facilitating complex high-stakes communication across languages and cultures. And yet their work is currently being valued on par with unskilled jobs. This loss of professional standing will inevitably lead to fewer young people entering the profession.
26. Other issues are the changing nature of migration to the UK, and the changing language needs in the Courts. Where once Polish or Romanian would have been the most required languages, now it is much more likely to be Arabic and Albanian. The pipeline of people with the language skills and educational background to be Court interpreters is less strong in many of the languages which are now in demand, as compared to the European/EU languages which were in the highest demand 5-10 years ago.

What opportunities, barriers and pitfalls exist and how might these be addressed?

27. There is a risk of the Committee's attention being diverted to historical context, specifics of the contracting mechanism, and arguments about qualifications, standards, years of experience, etc. However, the fundamental issue is that people need to earn enough as Public Service Interpreters to pay their bills and make a living.
28. We hear stories of people quitting public service interpreting to do cleaning jobs as the pay is better. So, the central issue is pay – and specifically the pay that gets through to the end interpreter. If this is

improved, the whole system can be restored to health. Absent this, the long-term decline will inevitably continue.

29. More fundamentally, legal interpreting and translation is not just about mastery of language and terminology. It needs contextual knowledge of courts and legal systems as well.
30. This matters within legal systems, but even more between them. A legal translator who knows the UK system (which is based on common law) can be thrown by the systems in Germany or France, which are based on civil law.
31. So even though some legal terms can be 'translated' with a collection of words, they may need context to be meaningful to a UK court. This is why it is so important that unsupervised Machine Translation is not relied upon in legal settings.
32. Moreover, in order to get that knowledge, a linguist needs experience and training in court and legal systems – and in their respective languages. This takes time and costs money. This is why so many court interpreters, in particular, feel let down – they feel an immense sense of responsibility; as well as their very high-level language skills, they also need extensive legal knowledge and knowledge of terminology, but they don't get paid accordingly or treated as the highly skilled professionals they are.

What is the potential role of new technology (such as artificial intelligence, machine translation and the digitisation of court proceedings) in the future of interpreting or translation services in the courts?

33. It would be foolish to ignore the possibilities of these technologies, but the crucial risks are 'AI hallucinations' (generating convincing but false information), data leakage, and the potential for 'fatal errors' in translation which distort, obscure or negate meaning.
34. Adding to this is the varying quality of machine translation across different languages. While Machine Translation (MT) performs slightly better for core Romance languages (French, Spanish, Italian etc) and German, its effectiveness diminishes significantly for languages with many different dialects, and it can be nearly useless for languages which are less commonly included in AI training data, including many Asian and African languages. Given this vast disparity in performance across languages, it would be almost impossible for the Courts to maintain equality of treatment before the law if they adopt AI/MT.

35. In some translation contexts, it may be possible to use MT with proper oversight; texts would be translated in a superficially 'correct' way but would require a specialised translator with knowledge of legal systems to make sure the content is correct. MT and AI are very unlikely to be usable for interpreting without major risks and the likelihood of appeals and legal challenges.

Would adoption of this technology in the courts be an appropriate use?

36. Some use of machine translation, for written texts used in routine procedures, is likely to be possible in some languages. However, this will always require human oversight from a specialised translator.

37. There is no evidence that interpreting technology is anywhere near being ready for large scale deployment in real-time 'high stakes' public service interpreting contexts.

What tools already are already in use in ITS, what form do they take and in what situations are they used?

38. Some interpreters use AI based assistive technology on their own devices and Machine Translation is used for texts to extract and prepare terminology for interpreting assignments. But there is no consistent or large-scale deployment of these tools – even remote online/telephone-based services are inconsistent despite the progress and opportunities created by the pandemic. Courts have largely gone back to standard face-to-face approaches.

39. Computer Aided Translation (CAT), Terminology Databases and Machine Translation (MT) are routinely used in translation workflows in other contexts, but human oversight is always essential, especially given the stakes in legal contexts.

Is the current and future ITS workforce being prepared to work with technology? If so, how?

40. There is no organised, funded or structured programme to enable, implement or train interpreters in the use of AI and technology. The University of Surrey has done high quality research into what would be needed and what could work, but the Ministry of Justice and Courts would need to fund, 'own' and 'programmatised' this and also take more direct 'ownership' of the ITS workforce for any of this to be implemented.

What is the current capability and accuracy of market leading artificial intelligence and machine translation tools in relation to ITS?

41. As above, professional-grade Machine Translation (but not Generative AI) is usable in major European languages with expert human translator oversight. Much less so in other languages.
42. Some research (University of Surrey) has been done into AI assistive tools for court interpreters with suggestive evidence that AI tools may marginally enhance the performance of highly skilled interpreters but may actually hinder less experienced ones due to the increased cognitive load of taking in the AI input. It seems unlikely that AI will be a significant near-term help in real-time interpreting, where different language structures and cadence of delivery are critical factors in understanding and delivering successful interpretation.

How does this vary between languages (e.g. low resource languages or languages with relatively few written language samples), interpreting (speech to text) and translation (text to text)?

43. As above, for example German into English might be superficially impressive although still prone to potentially dangerous 'AI hallucinations' (convincing but false information) and systematic errors in numbers and names. Many other languages into English and vice versa will not produce credible results at all. For medium/low-resource languages, prevalent in multilingual court proceedings (such as Arabic dialects), MI is not equally advanced. This digital gap can further exacerbate social inequalities within these communities of users.

What capability do these tools have to deal with dialects, nuance and colloquial use of language?

44. Almost none outside mainstream English. Despite the significant technological advancements in AI/MT development promoted by developers, existing research has identified problems with accuracy, latency, intelligibility and cultural sensitivity. Also, AI/MT commonly fails in detecting sarcasm, irony and humour, not to mention slang and euphemisms used in crime to disguise meaning, which human interpreters understand readily.

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