



Rt. Hon. Shabana Mahmood KC MP
Secretary of State for Justice
Ministry of Justice
102 Petty France, Westminster
London, SW1H 9AJ

02 December 2024

Cc Dame Antonia Romeo DCB, Permanent Secretary, Ministry of Justice

Dear Shabana,

Public Services Committee – Interpreting and Translation Services in the Courts

In September 2024, the Public Services Committee launched an inquiry into interpreting and translation services (ITS) in the courts.

While this inquiry remains ongoing, before our report is published in the new year, we have identified a number of serious concerns with the proposed tender of ITS. We have strong grounds to believe that these significant issues can only be addressed through changes to the contract made with the suppliers of interpreting and translation services. To avoid locking in these problems for an extended period, **we are calling for the Government to pause the re-tendering process until it has set out how these issues will be addressed.** The key reasons we are calling for a pause on the tender are outlined below.

Remuneration

We are concerned that poor remuneration is driving interpreters out of the workforce and making it an unattractive career¹. There appears to be a lack of transparency of pay across languages and geography², especially where dynamic pricing is involved³. The current tender does not include a minimum pay rate for interpreters⁴, which encourages companies to undercut each other in their bids through reducing these pay rates⁵. A lack of minimum pay may also stop interpreters staying in the sector⁶ and removes incentives for language service providers to compete on other factors, such as investment in innovative delivery models or building efficiencies into the system, instead allowing them to compete solely through offering lower rates for interpreters.

We also have concerns about the remuneration of interpreters where work is cancelled. While late changes to court schedules are inevitable (often exacerbated by wider issues in His Majesty's Courts and Tribunals Service (HMCTS)), we believe that the new tender does not

¹ [Q43](#) (John Worne), written evidence from CIOL ([ITS0020](#)), written evidence from LanguageLine Solutions ([ITS0027](#)), written evidence from The Bar Council ([ITS0046](#))

² [Q20](#) (Mark Stewart)

³ [Q45](#) (John Worne)

⁴ Written evidence from thebigword ([ITS0051](#))

⁵ Written evidence from NRPSI ([ITS0031](#))

⁶ Written evidence from LanguageLine Solutions ([ITS0027](#))

effectively address remuneration for cancelled bookings where interpreters are cancelled too late to take on other work. This creates a situation where an interpreter might be booked for a full day or more, and may travel significant distances to complete it, only to be told when they arrive at court that the work is cancelled and they will only receive an hour's pay⁷. While the MOJ have indicated they are introducing a 2-hour minimum payment⁸, this does not adequately compensate interpreters whose multi-day bookings are cancelled at the last minute. The Committee does not believe that the new tender addresses concerns regarding remuneration and working conditions and that the tender should therefore be reconsidered.

Quality assurance, performance data and transparency

The Committee is concerned about the effectiveness of the quality assurance mechanisms in place for interpreting services in the courts. We have found it difficult to reconcile the data the Government publish with the lived experience of stakeholders who interact with language services.

Complaints services

There are clear inconsistencies or absences in the data published regarding complaints about language services in the courts. Logically, the number of complaints should be higher than the number of unfulfilled requests, as you would expect complaints to be made when requests are unfulfilled, and where requests are fulfilled but there are other issues, such as the interpreter behaving inappropriately. However, in 2023, there were 6,272 unfulfilled requests⁹, but only 415 complaints regarding interpreters being unavailable or not attending when requested¹⁰, and only 766 complaints considering complaints for all categories, including complaints made where the interpreter attended court¹¹. This means that in over 5,000 cases last year, language requests went unfulfilled and complaints were not lodged, and no reason for the request being unfulfilled is publicly available. Furthermore, in 2023 there were 618¹² ineffective trials caused by interpreters not being available, but only 322¹³ complaints submitted with the reason 'no interpreter available'. Therefore, we are concerned that the data collection does not reflect the reality of interpreter services.

Alongside these inconsistencies in the data, we have concerns that people are not utilising the complaints process when interpreting services go wrong. Barristers and solicitors told the Committee that they were not made aware of how to submit complaints¹⁴, and were unlikely to do so even if they were, due to their understanding of their role and responsibility within

⁷ [Q28](#) (Kris Hamson)

⁸ [Q28](#) (Kris Hamson), [Q38](#) (Julie Howkins)

⁹ <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-october-to-december-2023/criminal-court-statistics-quarterly-october-to-december-2023>

¹⁰ <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-october-to-december-2023/criminal-court-statistics-quarterly-october-to-december-2023>. There were 93 cases where the complaint category indicates the interpreter did not attend, and 322 cases where no interpreter was available.

¹¹ <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-october-to-december-2023/criminal-court-statistics-quarterly-october-to-december-2023>. Complaints included issues such as 'interpreter was late' or 'interpreter conduct'.

¹² <https://www.gov.uk/government/collections/criminal-court-statistics>

¹³ <https://www.gov.uk/government/collections/criminal-court-statistics>

¹⁴ [Q7](#) (Susan Grocott)

the courts¹⁵. MoJ officials informed us that in some cases HMCTS staff will informally pass information onto the MoJ, but this will not be reflected in the complaints data or Key Progress Indicators published¹⁶. Most concerningly, the processes to submit complaints are only available in English and Welsh, so the very people who need interpreting services to engage in court proceedings face a language barrier if they wish to complain about the service they have received.

Taken together, it seems clear that the complaints system as it stands – which forms a key part of the available data on the performance of interpreting services in the courts – is not fit for purpose, and may give a false impression of the quality of interpreting and translation services in the courts. This must be addressed.

Assessment of interpreters

We have concerns regarding the way quality assurance is conducted – through spot checks and mystery shoppers who sit in court when interpreters are being used¹⁷. The data published does not capture the number of times or percentage of cases where mystery shoppers or spot check assessors have had to suspend interpreters following an assessment, raise concerns about the quality of interpreters' with the Ministry of Justice, or how many times the Ministry of Justice have shared these concerns with judges, parties or representatives associated with the case. When this information was requested from the MoJ, we were told that concerns raised by parties or representatives would be reflected in court records, but no reference was made to concerns raised by assessors providing quality assurance. The lack of centralised publication of this information means that it is not possible for Parliament or the public to identify how many times quality assurers have identified problems which may have significantly affected the course of a case.

It is also unclear how the use of mystery shoppers or spot-check assessment would capture whispered interpreting¹⁸ (when the interpreter is relaying to the client what is being said in the court), closed court hearings (such as the Family Court¹⁹), and last-minute bookings (i.e. within 24 hours) which make up a quarter of all bookings²⁰.

Published data

As noted above, in complaints and quality assurance, the data available presents problems when trying to evaluate the performance of language services in the courts. Alongside these concerns, we are very concerned that off-contract bookings, which make up a growing proportion of total bookings²¹, do not fall within the existing quality assurance processes²² and as such are not reflected in performance data²³.

¹⁵ [Q7](#) (Susan Grocott), [Q7](#) (Richard Miller)

¹⁶ [Q25](#) (Mark Stewart)

¹⁷ Written evidence from Ministry of Justice ([ITS0041](#)), Written evidence from Dr Susanna Windle ([ITS0006](#))

¹⁸ [Q7](#) (Philip Stott)

¹⁹ [Q7](#) (Susan Grocott)

²⁰ [Q76](#) (Mark Rice)

²¹ Written evidence from NRPSI ([ITS0031](#)), Criminal Court Statistics Quarterly (<https://www.gov.uk/government/collections/criminal-court-statistics>) November 2024. [Q71](#) (Mark Rice)

²² Written evidence from thebigword ([ITS0051](#))

²³ [Q31](#) (Julie Howkins)

We believe that without appropriate and accurate data regarding the performance, the MoJ cannot use the new tender to identify and effectively solve issues with the current provision of interpreting and translation services, nor allow effective scrutiny from Parliament.

Quality of interpreting in the courts

Stakeholders including the Bar Council and Law Society informed the Committee that there are interpreters currently working in the courts who do not interpret to an appropriate standard²⁴. Language stakeholders informed us the appropriate level should be a Level 6 qualification in interpreting for the appropriate language where possible²⁵. While we understand that in rare languages there is the need for lower qualification requirements due to a lack of recognised qualifications²⁶ or a low number of interpreters²⁷, this does not explain quality issues in languages where there is a higher number of interpreters. We understand the MOJ are increasing qualification requirements in the new tender²⁸, however, we have heard concerns that introducing a requirement for Level 6 qualifications immediately will significantly reduce the number of interpreters available to the courts²⁹. In the longer term, we have heard that the number of individuals awarded these qualifications is reducing,³⁰ as is the number of universities offering courses for public service interpreters.³¹ The Committee is not confident that the new tender delivers a plan to ensure an appropriate number of skilled and qualified interpreters. We believe that without such a plan, the introduction of new qualification requirements will instead lead to continued use of underqualified or off-contract interpreters.

Considering these concerns, **we believe there are strong grounds for the contract re-tendering process to be paused** until the Government has set out to the Committee how it will address these concerns.

We look forward to your response.

Yours sincerely,



Baroness Morris of Yardley
Chair, House of Lords Public Services Committee

²⁴ [Q2](#) (Philip Stott), written evidence from The Bar Council ([ITS0046](#)), Written evidence from P4B Chambers ([ITS0025](#)), written evidence from The Law Society ([ITS0017](#))

²⁵ Written evidence from Ministry of Justice ([ITS0041](#)), written evidence from CIOL ([ITS0020](#)),

²⁶ Written evidence from Ministry of Justice ([ITS0041](#))

²⁷ Written evidence from Ministry of Justice ([ITS0041](#))

²⁸ Written evidence from Ministry of Justice ([ITS0041](#))

²⁹ [Q79](#) (Mark Rice), Written evidence from thebigword ([ITS0051](#))

³⁰ Written evidence from Institute of Translation and Interpreting ([ITS0013](#))

³¹ Written evidence from the Chartered Institute of Linguists ([ITS0020](#))