

NORMS AND CREATIVITY: TENSIONS BETWEEN  
THE *STATUS QUO* AND INNOVATION IN QUALITY  
STANDARDS FOR PUBLIC SERVICE INTERPRETING  
IN THE UNITED KINGDOM

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**Abstract**

This article will examine the validity of existing assessment procedures in the UK and compare and contrast these models with other possible assessment and accreditation models. It will also examine the possibilities for quality assessment (QA) procedures offered by the use of digital technologies. Implicit in this descriptive and analytical process will be an examination of the linkages between these models of assessment and the opportunity for professional registration.

Issues addressed in this article will be: the *status quo* in the assessment and registration of interpreters and translators for the public sector in the UK; the impact of new social, political and economic realities on the existing assessment and registration regime; the opportunities and/or threats to quality norms represented by online digital technologies

The material will be of particular interest to: end users of interpreter and translator services in the public sector; interpreting and translation test developers and QA procedure designers; interpreting and translating practitioners, in-service and aspiring

**Keywords:** *Public Service Interpreter (PSI), Criminal Justice System (CJS), assessment, accreditation*

In January 2012, the Ministry of Justice (MoJ) introduced a new framework contract for the supply of interpreting and translation services to the Criminal Justice System (CJS). This contract gave responsibility for the supply of all interpreters to the CJS to a single commercial supplier. In this way, the contract represented a radical reconsideration of how to organise the supply of interpreting services to the CJS. It also posed serious challenges to accepted norms regarding quality in interpreting and the accreditation of legal interpreters. These events in the CJS also have

implications for the supply and accreditation of interpreters in the medical and community interpreting. The CJS has led in the development and testing of quality standards for Public Service Interpreters (PSIs) in the UK. It is watched by the medical and community interpreting sectors where, rightly or wrongly, the importance of professional language services is considered to be less critical. If the challenges to the current professional norms in legal interpreting are deemed to be successful, they are likely to be emulated elsewhere.

Radical change can be interpreted as a creative reconsideration of the *status quo*. Alternatively, it can be seen as a destructive disruption of a set of working norms. In order to identify how the changes described above should be viewed, this article will undertake a critical evaluation of the challenges posed by the MoJ contract. It will do so by examining the *status quo ante* in the accreditation, registration and supply of interpreting services to the CJS. It will then contrast this with the new arrangements imposed by the MoJ, identifying the positive and negative elements therein.

### **1. The *status quo ante* in public service interpreting standards: what did it look like and how did it develop?**

Work on establishing a set of professional norms for interpreting in the public services and on formalising systems for the accreditation and registration of public service interpreters (PSIs) began in the UK in the 1980s (for a detailed overview of that period, see Corsellis, 2008). The process of creating a recognised professional qualification for interpreters working in the public service culminated in 1994 with the launch of the Diploma in Public Service Interpreting (DPSI) examination. A central register containing the contact details, security clearances and specialisations of registered interpreters, the National Register of Public Service Interpreters (NRPSI), was also launched that year. With a pass in the DPSI being the main criterion for registration on the NRPSI, the two together provided for the first time a unified instrument for the accreditation and registration of professional PSIs. Both, moreover, have stood the test of time. From some 400 candidates sitting the DPSI in 1994, the number has grown each year, with 1123 candidates entering for the DPSI in 2011. The NRPSI has also grown steadily to become the preferred point of reference for the supply of interpreters for the public sector, with 2,200 registered interpreters across 101 languages at the time of writing (at [www.nrpsi.co.uk](http://www.nrpsi.co.uk)).

Traditionally, however, arrangements for the hiring of interpreters have varied across different public sectors in the UK, with only the CJS exhibiting a unified policy. It was this sector that saw, in 2002, the first version of the 'National Agreement on Arrangements for the Use of Interpreters, Translators and Language Service Professionals in

Investigations and Proceedings within the Criminal Justice System' (hereafter, the National Agreement). A second version of the National Agreement appeared in 2007. In addition to best practice guidelines for the engagement and use of language interpreters, the National Agreement contained the recommendation that wherever possible interpreters for the CJS should be sourced from the NRPSI. Of particular significance to interpreters were the Terms and Conditions linked to the National Agreement, which set out uniform rates of pay, minimum payments and arrangements for travel time and travel expenses for freelance interpreters attending police stations or court hearings. This clear statement of Terms and Conditions made the legal sector a popular destination for prospective interpreters, who saw there the possibility of a sustainable career in public service interpreting.

Other public services, such as the National Health Service or local government authorities did not adopt arrangements similar to those contained in the National Agreement. In these services, interpreter procurement and deployment procedures continued to be devised on a sector-by-sector or authority-by-authority basis, resulting in differences between geographical and/or administrative areas. In spring 2011, a telephone survey of local Primary Care Trusts (PCTs) regarding their arrangements for supplying interpretation for non-English speaking patients elicited a wide spectrum of responses<sup>1</sup>. At one extreme was a PCT that provided no interpreting services for non-English speakers, stating that it was left to the patients to arrange interpretation for themselves. At the other, a PCT reported the existence of an in-house interpreting and translation unit with high rates of hourly pay, professional development programmes and a centralised booking system. The range of responses in between, however, indicated that the majority of health agencies (hospitals, PCTs, etc) had closed their in-house interpreting services and out-sourced all language services provision to commercial providers. The pattern suggested by the responses is repeated in social services and local government. Anecdotal evidence here indicates that the trend towards the closure of in-house interpreting and translation services in favour of provision by a commercial supplier is the norm there as well.

Questions arise about the calibre of the interpreters supplied by commercial agencies and about which norms regarding quality and accreditation agencies apply. Conclusive survey evidence is lacking in this area, and commercial suppliers are reluctant to disclose details about their criteria. Feedback from interpreters suggests that some sort of accreditation

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<sup>1</sup> The survey was carried out by undergraduate translation and interpreting students at Middlesex University.

is usually requested at the point of first contact between agency and interpreter. The same interpreters allege, however, that when a properly qualified and/or registered interpreter is unavailable, some agencies will supply an interpreter without qualifications or formal accreditation rather than lose a booking fee. This suggests that, while lip service is paid to the need for qualification and registration, in practice these requirements are considered dispensable in favour of expedience.

Evaluation of this *status quo* reveals both strengths and weaknesses. The UK interpreting profession is proud, for example, of its success in maintaining a national register, the NRPSI, to act as a *de facto* (voluntary) professional regulator. Similarly, the public service interpreting profession and the public alike benefit from the existence of a professional benchmark standard of competence, the DPSI, against which interpreters wishing to provide their services to the public are measured. Working together to set linguistic and behavioural norms for public service interpreting, these two instruments are effective in raising the standard of the service provided to the public. The restructuring of the NRPSI in 2011 to strengthen its regulatory function was a further development in this process, reinforcing the norms promulgated in the NRPSI Code of Conduct (the Review of the National Register of public Services, 2009). The professional examination regime has also developed over the years. In 2004 the DPSI was accredited by the Qualifications and Curriculum Authority (QCA) and mapped onto the National Qualifications Framework (NQF) as a level 4 examination<sup>2</sup> while in 2011 the examination was unitised for the first time, allowing more flexibility for candidates. Accreditation by the QCA (now *Ofqual*) strengthened the value of the qualification and reinforced its acceptance as the benchmark professional examination for PSIs.

There are, however, structural weaknesses in both the DPSI and the NRPSI, which hamper application of the professional norms that the examination and register seek to foster. The first is political: despite the increasing amounts spent on interpreting and translation services in the public sector and the progress made towards their regulation and professionalisation, the fact remains that public service interpreting is not recognised as a professional activity in the same way as other professions with a critical impact on the public (e.g. law or medicine). One practical consequence of this is that there is, in fact, no legal requirement for an interpreter to have professional training and accreditation before practising in the public services, nor is there any obligation on public services hiring interpreters to ensure that only accredited practitioners are used. Thus, the work done both by the NRPSI in providing a voluntary regulator for public

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<sup>2</sup> Since then, the levels have been revised. The previous Level 4 is now Level 6.

service interpreting and by the Chartered Institute of Linguists (CIOL) in maintaining the DPSI professional qualification is undermined by the lack of statutory recognition; put simply, any individual can practice as an 'interpreter' without qualification or training and without any restriction. As long as statutory recognition of the profession is withheld, it will be difficult for the professional norms promulgated by the NRPSI and the CIOL to become an absolute, non-negotiable pre-requisite for practice.

There are also weaknesses in the DPSI examination model itself, which remains structurally identical to the examination that appeared in 1994. The assessment methodologies used in the examination have also remained unchanged. Of course, the core linguistic competencies required of a PSI have not changed significantly since the inception of the DPSI. They still need professional competence in the interpretation of dialogue, using the consecutive mode of interpretation, and in (whispered) simultaneous interpreting (*chuchotage*). The ability to carry out oral sight translation of written documents is also desirable, as is the competence to carry out written translation of short, semi-technical texts in both directions. However, the assessment methodologies used to grade a candidate's performance have not been updated in the light of more sophisticated insights into the interpreting process that interpreting studies research has produced over the past decade. The assessment of an interpreting performance continues to be essentially a question of whether a given audience (in this case, the examiner) believes the interpretation to be adequate or not, measured against a set of criteria that are themselves subject to some interpretation.<sup>3</sup> At the two ends of the spectrum of interpreter performances, either very good or very poor, this may be sufficient. However, in the intermediate range of performance, where the majority of candidate renditions lie, this element of subjectivity can raise questions about the validity of the assessment. Despite the considerable efforts of the examination board to put in place moderation of processes and results, these questions will continue to dog the examination until a more sophisticated methodology for assessing interpreter performance is adopted.

There is also a fundamental omission in the DPSI examination. This is the absence of an instrument for testing a candidate's de-ontological understanding of interpreting in the public services and their insight into professional good practice. A survey of the causes for complaints made to the NRPSI regarding registered interpreters (by definition DPSI holders) suggests that this is problematic. All 12 cases referred to the NRPSI

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<sup>3</sup> For instance, "The candidate makes some inaccuracies, but not leading to misunderstandings" (DPSI Candidates' Handbook, available on line at [www.iol.org.uk](http://www.iol.org.uk))

Disciplinary Committee in 2011 concerned allegations regarding the practitioner's professional behaviour. Similarly, in 2012, out of eight allegations received by September 2012, seven alleged unprofessional or unethical behaviour on the part of the interpreter, while only one alleged 'flawed and inaccurate interpretation'. The implication is that, while the examination tests applied language skills, it does not successfully test the non-linguistic elements of the practice of a prospective professional.

A further weakness is that, once interpreters are accredited by the DPSI and registered on the NRPSI, they are required neither to demonstrate their continuing fitness to practice over time, nor to undertake further professional development. While it is the case that for annual re-registration on the NRPSI practitioners must demonstrate a minimum of ten hours of professional practice in the preceding 12-month period, this is only a signal that the practitioner remains active in the field. It does not indicate anything about the continuing effectiveness of that practitioner in his/her interpreting practice.

## **2. Norms and creativity in assessment and accreditation**

Viewed through the lens of norms and creativity, the *status quo ante* regarding quality standards in public service interpreting as described above rested upon a set of norms regarding assessment and accreditation. Normative assessment of fitness to practice was via a vocational interpreting and translation test. This led to registration on a central register of qualified practitioners. It is evident that fundamental challenges to these norms underlie the new arrangements proposed in the framework contract introduced by the MoJ in 2012. One is a challenge to the norm of an independent professional regulator for public service interpreting, as represented by the NRPSI. Following the adoption by the European Parliament in August 2011 of the European Directive on the rights to interpretation and to translation in criminal proceedings, a requirement exists for member states to "endeavour to establish a register or registers of independent translators and interpreters who are appropriately qualified" (Art. 5.2 of the Directive 2010/64/Eu Of The European Parliament And Of The Council of 20<sup>th</sup> October 2010 on the rights to interpretation and to translation in criminal proceedings). It appears that, with the existence of the NRPSI (from April 2011 an open-access register available online), the UK already satisfied the requirements of the Directive. The MoJ contract, however, requires the establishment of a further register of interpreters for the exclusive use of the CJS. Unlike the NRPSI, which is an independent professional regulator, this register is to be maintained by the contract holder themselves, who will also administer a complaints and disciplinary process to handle complaints about interpreters from the judicial services. Such an

arrangement appears to contradict basic rules of impartiality in managing complaints. Nor can such a register be said to perform the function of an independent public regulator, statutory or voluntary.

It is the challenge mounted to the norm of a minimum level of professional competence for all interpreting assignments, however, that has the most profound implications for interpreting in all public services. Instead of requiring a common minimum level of professional qualification for all interpreting assignments in the CJS, the new contract introduces a graduated system of 'tiers' of competence: first, second and third tier. Assignments considered less linguistically challenging, for example non-evidential interviews or routine police-community liaison work, are assigned to lower tier interpreters with fewer or no formal qualifications on the basis that higher level professional skills are not required for these assignments. These lower tier interpreters are also paid less for their work. Thus the new system seeks to achieve economies in expenditure on interpreting services by using 'cheaper' interpreters for what are presumed to be easier assignments.

In the opinion of this author, this system of competence 'tiers' is based on a fundamental misunderstanding of the nature of interpreted communicative events (ICEs). Although it may appear to the non-linguist that lower level linguistic skills are required for interpreting between a member of the public and a police or court officer in a non-confrontational setting than those required for a court appearance, in fact the linguistic and behavioural skills required to interpret professionally do not diminish according to the subject matter. Nor can the complexity of an interpreting task be predicted with certainty in advance. An interpreting assignment predicted to be 'run-of-the-mill' may transform quickly into a much more demanding event. It is unlikely in such circumstances that the encounter will be suspended until a higher tier interpreter can be found to replace the lower tier interpreter initially engaged. The prediction of a less challenging ICE and therefore of the level of interpreting skills required for a safe interpretation will therefore break down at this point.

The implications of this challenge for other areas of public service interpreting are also profound. There is already a tendency to view interpreting in medical or social services settings as 'less difficult' than that of interpreting in legal contexts. While it is evident that these settings and their discourses are very different from the judicial setting, to conclude that differing levels of professional competence are therefore appropriate is misguided. Dealing with the interpretation of a challenging medical diagnosis, for example, can be just as professionally demanding as interpreting testimony in a courtroom. Such differential levels of competence are also morally questionable. A non-English speaking patient is no less entitled to professional interpretation than a non-English speaking defendant

in court, nor is a parent reporting a missing child less deserving of professional interpretation than a suspect being interviewed on tape. For all these reasons, I would argue that the tiered model of interpreting competence is fatally flawed.

Some features of the new contract are, however, potentially positive. The idea of a single point of contact providing 24 hour, 7 day-a-week access to interpreters is broadly accepted as a desirable. Another is the requirement for a quality check of interpreters' performance before engagement by the contractor for work in the CJS. In the light of the absence of a CPD requirement or periodic quality checks of continuing professional competence in the existing accreditation and registration regime, this is a sound proposal. It has also led to innovative work on the use of digital technologies to develop an in-service quality check procedure by the interpreting and translation department of Middlesex University in London.<sup>4</sup>

Should we view these challenges to the *status quo* as creativity on the part of the public services in seeking to update existing norms in the light of new economic and social realities? Or should we view them as a fundamental misunderstanding of the nature of interpreting in the public services? There is little doubt about how they are viewed by interpreters. Enraged by the savage reduction in their rates of pay and other terms and conditions, they see them as a catastrophic reversal of the previous decade's movement towards the professionalisation of public service interpreting. Many trained and accredited court and police interpreters, as found on the National Register of Public Service Interpreters (NRPSI), are refusing to work with the commercial supplier under the terms of the new contract. As a result, the new arrangements encountered serious difficulties when they came into force on 30<sup>th</sup> January 2012. 'The Lawyer', a judicial sector industry newspaper, noted on 23rd February 2012, around three weeks after the contract went live, that "since launch there have been reports of long delays and instances where interpreters were late, underprepared, under-qualified or failed to turn up at all. This has resulted in a number of hearings being adjourned." Rates of interpreting requests successfully met by the contractor in the first month of the contract were reported to be as low as 58%, although by October 2012 95% of booking requests were reportedly being met. However, questions remain about the professional standard of the

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<sup>4</sup> Middlesex University (London) was commissioned to design a quality check procedure that could be used to assess up to 4,000 interpreters over a period of around 2 months. In this situation, it was not feasible to use 'live' actors animating the two sides of a dialogue for an interpreter to interpret. It was therefore decided to use online technologies both to deliver source texts and to capture interpreting performances.

interpreters being supplied. As Margaret Hodge MP, chair of the select committee noted: “You can question the quality of the people they are putting into the system”. However, in so far as the new arrangements contained in the contract were intended to address inefficiencies and waste in the previous system, the contract can be viewed as an attempt to update and streamline a system that was wasteful of resources. From this perspective, the new contract can be seen as a necessary revision of the *status quo ante*. It remains to be seen, however, whether the contract can be made to work on a day-to-day basis. And, irrespective of this, the questions it raises about minimum standards in interpreting in the CJS remain unanswered. An informed dialogue between interpreting professionals, researchers and the public services is therefore urgently required to address them. Only in this way can the tensions between the need for change in procurement arrangements and the requirement to maintain professional interpreting norms be resolved and a sustainable set of arrangements devised for the future.

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