



Bob Neill MP
Chairman
Justice Committee
House of Commons
London SW1A 0AA

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Dear Bob

INTERPETING AND TRANSLATION PROCUREMENT

Thank you for your letter of 24th March regarding re-procurement of language services for the Ministry of Justice and other parts of the justice sector.

Firstly, I would like to reassure you that we have recognised the lessons learned in our current commercial agreement. We have also acknowledged and responded to the recommendations of earlier reviews and reports, in particular those from the Public Accounts Committee, Justice Committee and the National Audit Office, which highlighted a need for robust due diligence of proposed suppliers and for independent quality assurance of the language professionals we use to deliver front line services. To confirm this, we specifically requested an Internal Audit team to confirm that the future contracts will address these recommendations.

The future language service contracts clearly set out the Department's expectations for suppliers to ensure quality standards. Suppliers will need to adhere to a comprehensive specification that stipulates the requirements for a code of conduct, appropriate qualifications as well as regulation of those working under the contract. A revised payment and performance regime will incentivise and hold suppliers to account for delivery of their services, whilst providing the flexibility to ensure the highest possible fulfilment of jobs. Furthermore, the award of a new contract for independent quality assurance will play a key role in achieving our aims.

A wide range of stakeholder management activities have taken place in preparation for the future contracts and an ongoing schedule of engagement will continue through to delivery of the new services. Engagement with internal stakeholders across the country have focused on end users and operational staff utilising the current contract, which in turn provided valuable feedback on the aspects of areas that worked well and where improvement could be made. In addition, officials from both the department and Her Majesty's Courts and Tribunals Service have been working closely with court users and the judiciary to ensure their requirements were clearly established and fully incorporated in to the specifications we have developed.

In order to further inform and substantiate the procurement strategy, officials embarked on an extensive market engagement programme which included a full day event for potential suppliers and professional interpreter trade associations. This afforded an opportunity to discuss requirements both in terms of the structure of our commercial arrangements and how to grow quality resource.

Following on from this event, my officials met with suppliers and professional interpreter trade associations on an individual basis to discuss and seek their views on the high level emerging strategy. The use of a dialogue procurement approach has ensured that potential suppliers had ample opportunity to discuss and provide feedback on the proposed contracts and specifications.

Engagement was held with the National Register for Public Sector Interpreters (NRPSI) as part of the supplier engagement approach and regular meetings were also held with the National Register for Communication Professionals working with Deaf and Deafblind People (NRCPD). The market engagement day for suppliers I mention above was attended by 6 bodies representing language professionals' interests.

One of our main priorities within the next generation of Language Services Contracts was to strengthen the quality assurance arrangements, in order to regain both the confidence of important stakeholders and to encourage professional interpreters to provide their services. Therefore, we intend to award a contract to a Quality Assurance provider to independently review standards. This provider shall:

- Independently assess the skills, qualifications and experience of Interpreters and Translators used by the Authority;
- Promote and encourage new entrants into the spoken interpretation profession through the co-design, operation and management of a trainee scheme;
- Manage and maintain the Authority (Ministry of Justice) register of independent Interpreters and Translators;
- Carry out planned and on-demand Mystery Shopping Assessments to assess the quality of the services delivered by the provider and where the quality is identified as unacceptable immediately notify the provider, suspend or remove the language professional from the Register and in conjunction with the provider and the language professional, agree a development plan which would allow the language professional to meet the required standard;
- Investigate all instances of alleged breaches of the Authority Code of Conduct (in conjunction and cooperation with) the provider;
- Undertake a periodic customer survey to measure the end user satisfaction with the services provided.

The estimated spend for language services prior to the contract with Capita TI was £30m a year, therefore £90m for the previous 3 years if the Capita TI contract had not been let. The expenditure against the Capita TI contract from the beginning of the contract to the end of the last financial year 2014/15 for all business areas was £48m. Off-contract spend is £4m for the same period, giving a total MoJ spend of £52m. Therefore, the MoJ has spent around £38m less in the last 3 years (specifically 3 years and 1 month). This is as a result of consolidation of spend and rationalisation of suppliers.

Contract performance has been improving throughout the life of the contract and is now at the highest level it has ever been. The most recent statistics on the use of language interpreter and translation services in courts and tribunals (Quarterly update to 30 September 2015) show that:

- The overall number of completed service requests for language interpreter and translation services in Q3 2015 was 38,600; this has been stable over the last six quarters;
- The overall 'success rate' for completed service requests for language interpreter and translation services increased to 97% in Q3 2015, from 96% in Q2 2015, the highest since the contract commenced in 30 January 2012;
- The total number and rate of 'proven' complaints, relating to completed service requests, have continued a downward trend. In Q3 2015 there were 430 complaints, a decrease from 580 compared with Q2 2015. This represented a complaint rate of 1%, the lowest since the contract commenced;
- In Q3 2015, there were 270 completed 'off contract' service requests which continues an overall downward trend since Q2 2013. This coincides with the decrease in the number of completed requests that were 'not fulfilled by supplier' and 'supplier did not attend', as well as the steady decrease in number of complaints; and
- Completed 'off contract' service requests accounted for less than one percent of total completed service requests (completed service requests made under the contract and completed requests made directly by the courts) in Q3 2015.

Whilst we accept that any delayed hearing due to a lack of interpreter has the potential to cause an issue it is worth keeping such instances in perspective. The most recent published statistics for ineffective trial rates (April - December 2015) show a lack of interpreter was the reason for 0.3% of trials being relisted in the magistrates' court, and 0.1% in the Crown Court.

In our work leading up to the tender exercise we have fully considered and taken in to account the views of stakeholders as well as the findings outlined in the Optimity Matrix Review and other reports. Our new approach ensures that for the first time the supplier will be aware of the complexity of the job at the time of booking, and be able to allocate a suitably skilled language professional in order to meet these requirements. Furthermore, looking to the future the development of a trainee scheme for spoken language professionals will enable real career progression as well as encourage new entrants in to a fulfilling and rewarding career in the justice sector. It is also important to note that the specification also sets the requirements for language professionals to be a member of a regulatory body that requires CPD to be undertaken.

In summary, the procurement approach for the new contracts is following Cabinet Office public sector best practice procurement processes, and we aim to deliver the services we require whilst providing real value for money for the taxpayer. It is vital that victims, witnesses and defendants fully understand proceedings they are involved in, whether that is through spoken or non-spoken interpretation, and it is my view that the new contracts will deliver a consistent and quality interpretation and translation service for all justice sector users.

I am grateful for the Justice Committee's continued interest in this area.

Yours ever


SHAILESH VARA

