

Report of the Chief Officer Customer Services

Report to Scrutiny Board (Resources and Council Services)

Date: 18th November 2013

Subject: Interpreting and Translation Services

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Following previous Scrutiny Board inquiries this report provides an update on interpreting services for the period of April 2013 – September 2013.

Recommendations

2. Scrutiny Board are asked to support the work to produce a formal policy, improve decision making in terms of spend and work with colleagues in Legal services in terms of requirements for interpreting and translations for potential court cases.
3. Guidance is being sought from Legal Services to see what the minimum requirements are in relation to safeguarding and legal cases.
4. To develop a robust policy and criteria, making it clear to directorates when we do and don't provide interpreters and translations. The policy to include a broad scope on types of sessions where interpreters and/or written translations should be provided eg child protection, safeguarding issues, legal cases, domestic violent, benefits etc. To also look at who makes the decisions of spend.
5. To look at current demand by services and how this can be prioritised by either the use of scripts in main languages answering the most frequently asked questions or looking at ways of rationalising use depending on the type of meeting.
6. To look at the risks involved if an interpreter or translation is not provided by ITT and how ITT can ensure Leeds City Council staff doesn't use external agencies for these services.
7. To look at ways the Council can promote social integration and the learning of ESOL to reduce the need for interpreters.

8. The Interpreting and Translation Team Co-ordinator to be responsible for implementing any new policy recommended by Scrutiny Board within the timescales set.

1 Purpose of this report

- 1.1 Following previous Scrutiny Board inquiries this report provides an update on interpreting services for the period of April 2013 – September 2013

2 Main issues

- 2.1 All requests from a resident who wants to speak to the Council in a language other than English or have a document produced in language other than English, are dealt with by ITT – Interpreting and Translation Team. ITT is part of the Customer Services Team in Customer Access and Performance. We provide interpreters for verbal face to face and telephone interpreting and translators for written translations of documents.
- 2.2 From April to September 2013, the top five most requested languages from residents excluding Deaf Communicators were Czech, Polish, Kurdish, Urdu and Farsi for interpreting and Czech, Polish, Tigrinya, Farsi and Urdu for translations.
- 2.3 From April to September 2013, the departments who used the most interpreting services were Childrens Services with 1917 interpreting requests, Citizens and Communities with 747 requests and Environment and Housing with 442 requests. 874 interpreting sessions were provided to external organisations who paid the Council for use of this service. The figures exclude any requests provided to Deaf customers.
- 2.4 From April to September 2013, the departments who used the most translation services were Childrens Services with 169 requests, Almos with 82 requests and Corporate Governance with 30 requests. 31 translation requests were completed for external organisations who paid the Council for use of this service. The figures exclude any requests provided to Deaf customers.
- 2.5 The Council net cost expenditure is £127k on interpreting and translation services from April to September 2013 with £67k for face to face, £12k for telephone interpreting and £48k on written translations. The costs exclude any requests provided to Deaf customers.
- 2.6 From April – September 2013, ITT have fulfilled 231 BSL requests for Deaf customers with 205 for LCC and 26 for external organisations, for which they paid for the service. The councils net cost of providing BSL interpreting is £15,214.14. ITT have provided 64 translations into Audio CD, tape or Braille for which the net cost is £1,554.50.
- 2.7 We must provide access to our services for all residents, including those whose first language is not English. The Equality Act 2010 section 149 requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It is a duty on public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.
- 2.8 The Equality Duty means that public bodies need to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective.

- 2.9 A clear set of guidelines for use of interpretation and translation applies and can be viewed on the intranet. These state when interpreting and translation services which includes Braille, large print and British Sign Language should be used. Consideration of the cost of providing these services and other ways to meet the needs of customers is included in this guidance.
- 2.10 The information is drawn from the guidance that supports the Equality Act. The guidance is there to ensure that public bodies are able to translate what the Act says into practice. Providing language services is considered positive action. It is considered a reasonable service provision to provide services in different languages where there is an identified need.
- 2.11 Although we don't have a legal duty to provide interpreting and/or translation services, we do have to make sure we don't fall foul of the law. We need to be pragmatic about it and the current theme around equality at the moment is proportionality and relevance. We have moved away from wholesale translation of documents which has helped but we can't do this for interpreting services. There will always be times when this will be relevant, such as, safeguarding, domestic violence, benefit queries etc.
- 2.12 The provision of interpreters on a one to one basis will be necessary where someone does not have significant English skills and need to be able to understand their legal rights, medical advice or their financial and other responsibilities. It is particularly important for vulnerable adults and children.
- 2.13 It is important to use professional interpreters who are neutral, independent, professionally trained and accept the responsibility of keeping all information confidential.
- 2.14 Family members or friends should not be used as a substitute interpreter. Using a customer's family member or friend as an interpreter can compromise the impartiality and the confidentiality of the interpretation. This can lead to a negative outcome for the customer and a sub-standard level of service. In some cultures, certain issues should remain private.
- 2.15 ITT is part of RITAN (Regional Interpreting and Translation Agency Network) which include other local authorities, NHS and PCT covering the Yorkshire and Humberside region. All these agencies currently offer interpreting and translations to non English speaking customers accessing public services. They follow the Communities and Local Government, Guidance for Local Authorities on Translation of Publications document when translating documents.
- 2.16 We currently provide services with clear guidance on when and how to consider if translation or interpretation is required. This is backed up on a case by case basis by advice from staff in ITT when jobs are requested. However currently, the decision on whether the job is taken forward is down to the service.
- 2.17 The Rt Hon Eric Pickles MP statement is mainly around translations i.e. written and we have adopted this approach in Leeds. (see Appendix 1) Our expenditure is mainly around interpretation ie verbal. The largest user is Childrens Services when the council has to ensure the legalities are understood by parents. When a customer is asking for verbal interpretation we take two actions:

- We continue the conversation to see if the customer follows it. If following the conversation it is pointed out that an interpreter isn't needed
- Where we do use an interpreter we give the customer a leaflet on where they can learn to speak English and point out that on this occasion the interpretation has been provided for free. This implies it may not always be free. (see Appendix 2)

- 2.18 Whilst we undertake paid work on behalf of other organisations we do not currently charge individual service users for interpreting or translation. There would be significant barriers to implementing an effective payment system. Who would pay, how and when would be problematical and could cause operational difficulties. Further work to examine this could be undertaken if requested by the Scrutiny Board.
- 2.19 There has been a high profile case around Interpreting and Translation which hit the national news in 2009. (see Appendix 3) The Mayor of Doncaster stated he wanted to stop translation services for immigrants. This declaration received much interest so as part of this scrutiny board inquiry we have asked Doncaster whether or not they did stop the service. The Manager of Doncaster Councils Interpreting services tells us that she discussed her concerns regarding the statement with the Assistant Director who explained to the Mayor that where they was a statutory or legal duty, there would still be the need for interpreting and/or translation in situations like safeguarding, interviews under caution, child protection etc. Therefore, Doncaster Interpreting Service produced a formal policy when interpreting and translation service could and could not be used (see Appendix 4). The manager of the service has the final decision on whether to provide an interpreter or a translation. This has been working well however, there were issues with staff using external interpreting services if they had been refused an interpreter. The Manager is working with the Finance teams to ensure no interpreting or translation service orders can be raised without going through their team. This way they can ensure council staff are following guidance. Since the policy was in put in place, they have had a saving of approximately 10-20% on the overall costs. They have not had any legal challenges following refusal of providing an interpreter/translation.
- 2.20 The Manager of ITT is currently working on a project with the Migrant English Support Hub (MESH) which consists of officers from Leeds City Council (Citizens and Communities and Adult Social Care), University of Leeds, RETAS (Refugee Education Training Advisory Service) and LASSN (Leeds Asylum Support Seekers Network. The MESH project is being driven by RETAS, the leading education and training charity for the refugee and migrant sector in Leeds, who will coordinate a forward-thinking partnership of organisations to develop this sustainable interactive resource. MESH does not seek to offer ESOL classes itself, but rather offers the tools to enable the transition to more relevant, strategic, and sustainable provision across the city.
- 2.21 It will enable learners, potential learners, and those who advise them to find information relating to specific needs, such as class type (e.g. basic conversation, English for Employability, Academic English for Higher Education, etc.), locality, times of lessons, cost and crèche provision, and so on. MESH will also act as a shared learning and development network for providers of ESOL and other English classes to migrants in Leeds.
- 2.22 Work is being undertaken to recruit a Development worker and IT specialist.
- 2.23 The Development worker will map, categorise and build on existing picture of the existing ESOL offer in Leeds and the IT specialist will produce a prototype technical solution (Web solution, app development, or portal approach)

- 2.24 The development work, carried out by the partnership of organisations led by RETAS, to cultivate a sustainable business model for MESH after the initial development work – exploring social enterprise/ co-operative / scope for paid advertising and other sustainability models to keep the resource up to date. (See Appendix 5)
- 2.25 There is a risk that that staff will use external companies to provide interpreting and/or translation work if they can't get the service via the Interpreting and Translation Team. This will increase the Councils spend on interpretation services.
- 2.26 An example of types of sessions where interpreters are provided can be seen at Appendix 6.
- 2.27 In appraising the options, the first option would be to continue running the service as we currently are although this may not be the most cost effective way.
- 2.28 A second option would be to produce a formal policy outlining when interpreters and translations should be used and how this would work.

3 Recommendations

- 3.1 Scrutiny Board are asked to support the work to produce a formal policy, improve decision making in terms of spend and work with colleagues in Legal services in terms of requirements for interpreting and translations for potential court cases.
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- 3.7 The Interpreting and Translation Team Co-ordinator to be responsible for implementing any new policy recommended by Scrutiny Board within the timescales set.

4 Background documents¹

- 4.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.