

NUBSLI evidence for the market review of British Sign Language and communications provision for people who are deaf or have hearing loss

We are the National Union of British Sign Language Interpreters (NUBSLI), a branch of Unite. Members include qualified and trainee British Sign Language/English interpreters, Deaf interpreters and British Sign Language/English translators.

Evidence in this survey is from a number of sources, including three surveys of interpreters, deafblind interpreters and translators, conducted in 2014¹, 2015² and 2016³, and feedback from members.

Due to the breadth of the data from different sectors of the communication services market, NUBSLI has also submitted separate evidence covering:

- Translation
- VRI / VRS Interpreting
- Deafblind Interpreting
- Communication Support Workers (CSWs)

1) Sustainability (and registrant data)

There is relatively little data collected about trainee and qualified interpreters, other than the numbers who register. The NUBSLI annual survey is intended to address this. Baseline data is not available, and emerging trends can only be identified through survey data.

The paucity of historical data may lead to incorrect conclusions about the apparent health and future of the interpreting profession. For example, the NRCPD Register of SLIs shows a 75% increase in registrants between Dec 09 and Dec 15 (536 to 940). Assuming each interpreter works full time, this appears to show healthy growth.

However, the interpreting profession is made up predominantly of women (83% female, 17% male⁴), who traditionally have more caring responsibilities than men. As a result, it is fair to assume that interpreters are more likely to work fewer than 35 hours per week, and to work in a pattern that facilitates carrying out these responsibilities.

In addition, NUBSLI survey data (2015⁵, 2016⁶, 2016⁷) shows that many interpreters, including many who are experienced, have already reduced their interpreting hours or are

¹ NUBSLI, *Survey of Interpreters' Working Conditions*, 2015. Available at: http://b3cdn.net/unitevol/b63701d19948b75b4b_71m6vjxi.pdf

² NUBSLI, *An Uncertain Future: Findings from a Profession Exit Survey of British Sign Language/English Interpreters*. To be published.

³ NUBSLI, *Survey of Interpreters' Working Conditions*, 2016. To be published.

⁴ Rachel Mapson, *Who Are We – demographics of the interpreting profession*, 2014

⁵ *Survey of Interpreters' Working Conditions*, 2015.

⁶ *An Uncertain Future*, 2016.

⁷ *Survey of Interpreters' Working Conditions*, 2016.

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planning to do so. For example, since January 2015 28% of respondents have already reduced the time they spend working as interpreters.

The most common explanations for individuals' decisions to reduce or cease interpreting have been consistent across the three NUBSLI surveys and are reflected in other sources such as evidence from interpreters to the Work and Pensions Select Committee (2014).

The top four reasons respondents cite are: that the future of the profession feels uncertain; that they don't feel valued or respected as professionals; that agencies pay too little or have unacceptable terms and conditions; and that they are not able to earn enough from interpreting.

Of the 270 respondents answering the question, "Are you considering increasing or reducing the hours you work, or stopping working as an interpreter?" 59%⁸ said their views had not changed; 10% were increasing their hours, 19% were reducing their hours, and 11% were stopping work as interpreters.

Of those who have reduced their hours, as well as the reasons above, 42% cited difficulties with Access to Work bookings, and 31% had difficulties finding appropriate work.

One respondent commented: *"I'm looking at retraining so I can work as something else for an income, and work as an interpreter maybe one day a week, because I enjoy interpreting even though it isn't financially viable."*

Another issue for the sustainability of the profession is the lack of progression in pay over time. Most professionals see their income rise over time as they acquire skills and experience. In the interpreting profession, an interpreter with 20 years' experience is likely to be paid the same rate as one who has recently qualified. NUBSLI believes that the lack of variance in fees to recognise skills and experience means that highly skilled and experienced interpreters are more likely to leave the profession. As a result of this, the pool of available interpreters will decrease, leading, in turn, to a rise in both demand and cost.

2) Agencies and contracts

An increasing amount of publicly funded work is being carried out through single contracts with language agencies (both specialist and non-specialist). Respondents to the NUBSLI survey commented on this practice and the impact it has on the market. On the whole, feedback on the terms and conditions offered by large non-specialist (general language) agencies was negative; particularly in relation to terms such as minimum charge periods, hourly rates and travel costs all being reduced.

Some specialist agencies were noted as continuing to offer fees and terms that accord with the market rates, and for trying to match the interpreter's skills to the assignment. Where specialist agencies held large contracts, or were subcontracted by large non-specialist

⁸ All percentages rounded to nearest whole number.

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agencies, interpreters were more likely to report poorer terms and conditions of work. Many respondents mentioned that they no longer took work in the public sector for this reason.

One respondent said: *"I think that there are instances where I am paid and this is a fair rate but there have been increasingly more and more times when I am asked to reduce my rate due to contract restrictions etc. However, [I am] finding out that agencies are actually still charging huge fees on top of mine!"*

A significant number of respondents commented on the impact this made on the affordability of taking work in rural areas, especially on short bookings. For example;

"I am being paid less for the same work. AtW cut how much they will pay each time they review an individual's AtW award. I refuse to take the 2hr jobs because by the time I have travelled there, even if I am 'lucky' enough to get one 2hr job in the morning and one 2hr job in the afternoon, in effect I am doing a full day's work for 4 hours' pay."

Considering how the money available to government bodies to pay for interpreting services is limited, while there is a legal duty to provide access and a need for those bodies to demonstrate value for money, using agencies that charge significant sums over and above the cost of interpreters' fees is poor value for money. Simply put, the money currently spent on agency fees could fund more access.

There is no evidence that the government holds any 'bulk buying' power for BSL/English interpreting, given the freelance nature of the role and the relative shortage of supply. The use of agencies that offer reduced hourly rates simply substitutes the use of experienced and qualified interpreters for inexperienced or unqualified signers. However, the reduction in the quality of the service saves no money for the government, and indeed could cost more money if communication is inadequate. It would be better value for money for government bodies to contract directly with qualified interpreters and to negotiate fees on an individual basis. Many regions have organised groups of qualified interpreters who can easily be booked directly, often enabling bookers to email several interpreters at a time⁹.

For the market in communication services to work well, purchasers, bookers and users of services would need to be informed of what is required as a minimum standard, be able to see when provision falls below that standard, and be able to give feedback/complain as appropriate.

3) Travel

The majority of respondents said that reimbursement for travel costs by some agencies, and for Access to Work funded bookings, had reduced in recent years. Respondents told us that

⁹ These can be found by googling BSL interpreters and the region name. Examples include: london-bsl-interpreters.info, essexinterpreters.co.uk, northeast-bslenglish-interpreters.co.uk

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many agencies have stopped paying travel costs at all, or are offering an 'all-inclusive fee' where travel costs form part of the fee paid, but the fee inclusive of travel is below market rate. Respondents also said that AtW had started taking the same approach, or were reimbursing mileage at a rate of 25p per mile, rather than the HMRC approved rate of 45p per mile.

Interpreters in rural areas cited this, alongside a general increase in the amount of time taken to get to rural bookings, as rendering some bookings financially unviable. Many said that there are some bookings they no longer accept for this reason.

A significant minority of interpreters said that they now restrict their work to a certain locality for the same reason. Some expressed concern for the ability of Deaf people in rural or remote areas to achieve full access.

Some examples of good practice in relation to travel costs were given. In particular, that many deaf-led or longstanding sign language agencies continue to pay travel costs, and some also pay a fee for travel time that is particularly long.

NUBSLI has concerns about the impact of this practice on the attractiveness of the profession to new entrants, and about the loss of access that Deaf people in remote or rural areas may suffer.

4) CCS Language Services Framework Agreement

4a) Cost transparency

At present, organisations booking interpreters through agencies have no knowledge of the proportion of the fee paid to the interpreter and the amount kept by the agency. As a result, it is impossible for purchasers to ensure that they are getting value for money.

One example of this is where a court was quoted £400 plus expenses per day for a registered and qualified interpreter to be provided by an agency. Over a three-day hearing, with three interpreters in the team, a court would pay this agency £1,215 over and above the cost of the interpreters¹⁰. This represents poor value for money to the public purse. It also contributes to inaccurate perceptions that interpreters charge excessive fees, affecting interpreters' professional reputations. NUBSLI calls for transparency of costs to be part of the framework (and Ministry of Justice contract).

¹⁰ Calculated assuming freelance interpreters charge £265 per day (£2,385 total), against agency fees of £400 per interpreter per day (£3,600 total). The difference is in fact likely to be greater as there are likely to be more additional costs with an agency than with booking freelance interpreters, who will just be charging travel where incurred.

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4b) Banded rates for specialists

Interpreters often specialise in specific domains, undertaking training and professional development to ensure a high quality service. There is currently no recognition in the framework of the need for specialist interpreters to be booked for specific domains, or for those specialist skills to be recognised in variable rates of pay. At present, interpreters report that bookings are given to the cheapest interpreter, not those with the right skills for the domain. This results in a poor quality of service provision, has a negative impact on the reputation of the profession, and, at times, can be dangerous.

4c) Travel costs should be included as a mandatory element

As a peripatetic profession, interpreters' fees include reimbursement of reasonable travel costs. The failure to mandate this in the contract amounts to a pay cut, and disadvantages Deaf people in remote or rural areas where the cost of travelling there and back renders the booking financially unviable for interpreters to accept. NUBSLI believes that interpreters should receive reasonable travel costs as part of their remuneration.

4d) Inadequate performance monitoring and contract management

NUBSLI believe that stronger performance monitoring and contract management would help to maintain high standards in the provision of BSL/English interpreting services. Where services fall below agreed standards, commissioning bodies must hold agencies to account. This is especially important because the provision of an interpreter without the right skills for the role, or the provision of an unqualified signer, could result in an unjust, or even harmful, outcome for the service user(s).

Data on complaints received about interpreting services provided under the framework must be collected and available for public scrutiny through the FOI Act.

4e) Fees for non-framework procurement

If it is necessary to procure an interpreter directly, outside of the framework, the amount paid to the interpreter should not be below the market rate. This will not damage the requirement for value for money as no agency fees will be incurred.

5) Development, recognition and remuneration for core and specialist skills, and work in specialist domains

216 people responded to the questions in NUBSLI's survey about how well the market works re: developing, recognising and remunerating interpreters with specialist skills.

Whilst the occupational standard for interpreting sets a minimum quality standard, many domains require specialist skills, such as legal/court interpreting, mental health work and child protection. Different domains may have specific language or jargon to acquire, and may require a particularly high level of interpreting skill, or different ways of working.

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Respondents reported that previously, specialist skills were recognised by procurers and interpreters with such skills were specifically asked for. However, the majority said that this is rarely now the case. This is primarily attributed to the large specialist domains (criminal justice, health, and child protection) being subject to single contract provision which follows a non-personalised method of booking interpreters.

"The market is actually skewed at present to paying less for the work that should be paid at a higher rate and therefore this work attracts less experienced interpreters. E.g. MoJ, some police authorities, health and social services. This reflects public sector cuts and the drive to reduce costs, and along with it quality of provision."

"The full day fee paid to legal interpreters has dropped by 25% in 4 years and is probably the worst paid domain to work in. This has seen appropriately trained, qualified legal interpreters with extensive knowledge and skills stop working in courts for other types of work."

"I don't think the market understands specialisms in any way. The market sees an 'interpreter' as just that, and [thinks] that we are all cut from the same cloth. There is no recognition for specialist skills or length of service as an interpreter - our career lacks structures of progression in experience."

There is clearly a need to ensure that interpreters have the appropriate training and skills in specialist areas.

The fact that there currently are no expectations as to what form this training should take, and no minimum quality standard, means that the way is opened up for providers to devise training and certification that gives the illusion of specialism and specialist skill. For example, the following is an extract from a recent email¹¹ sent by a large agency to some NUBSLI interpreters:

"... we have developed Certificate Courses in Interpreting. ...

Module 1 – Community Interpreting (30 minutes)

Module 2 – Interpreting for the NHS (20 minutes)

Module 3 – Mental Health Interpreting (20 minutes)

Module 4 – Health and Safety, Security, Confidentiality, Equality & Environment (15 minutes)

Module 5 - Safeguarding Children & Vulnerable Adults (6 minutes)

Module 6 - Legal & Court Interpreting (10 minutes)

... After each training video, there will be a short test to assess your understanding of the content. If you score over 70%, your Certificate for the module taken will be emailed to you immediately!

This Certificate can later be used for many other job applications in interpreting."

¹¹ A copy of the full email is available on request.

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This appears to suggest that after watching a 10 minute legal and court interpreting video, and answering a few questions, an interpreter would be able to declare that they were a 'certified legal and court interpreter'. NUBSLI believe that this is unsafe; it will not ensure that an appropriate level of communication service is provided. We call for a quality standard (potentially occupational standard) to be developed in partnership with NUBSLI and other stakeholders in relation to specialist interpreting skills, and for these standards to be set as minimum standards in interpreting contracts.

6) Access to Work

NUBSLI asked interpreters¹² about changes to the amount of AtW funded work that they now do. 45% said they had decreased or stopped AtW funded work over the last year.

The main points raised about AtW funded interpreting related to the imposition of working conditions, as part of the support package, that do not accord with interpreters' terms and conditions. For example, AtW are setting fee rates for some AtW customers that do not meet market rates, and in most cases, customers are told that travel costs will only be paid as part of the overall hourly rate, even where the rate offered is already below market rate.

In addition, respondents said that AtW almost never now fund two interpreters for assignments where two interpreters are required to co-work. Concerns about the impact of this on interpreters' wellbeing and the quality of service provided to the customer were raised. A third of respondents cited this as a reason for reducing or stopping AtW funded work.

Half of respondents said that they had experienced difficulties in obtaining payment from AtW. Key concerns raised were significantly delayed payments, part payment of invoices (by deducting travel costs, for instance), and non payment of invoices for work carried out (due to changes in the customer's award). 30% of respondents cited concerns about potential problems with payment as reasons for not accepting AtW funded bookings, even where they had not personally experienced payment issues. This situation is clouded by the fact that the interpreter has the 'contract' with the customer, but AtW are the funding organisation. If the interpreter is not paid, they can only take action against the customer and not AtW, even if AtW's position is unfair or unreasonable.

One respondent said they "*... ended up working as a temp ... for 3 months ... [as] AtW owed me over £10k at one point.*"

7) Forward Look

As we have seen with the Access to Work market interventions, they had the unintended catastrophic effect of leaving Deaf people unable to perform at work, and did not succeed in changing the market. Any proposed future changes require input from those who understand how the market works, especially interpreters and Deaf people, who can

¹² *Survey of Interpreters' Working Conditions, 2016*

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contribute to a meaningful consideration of the likely impact of such changes in order to avoid unworkable interventions and unintended consequences.

Apprenticeships

NUBSLI's view on apprenticeships is that these are not a suitable vehicle by which to become a qualified interpreter. The need to ensure that people receive a high standard of communication service from interpreters is so critical that it cannot be right to 'practice' in these situations. If interpreters were to train as apprentices only after achieving Level 6 BSL and interpreting qualifications, they would already be able to work as qualified interpreters, so an apprenticeship would not add value.

Training and development of new interpreters:

There has been a significant reduction in the availability and affordability of all levels of BSL training in recent years, particularly because local further education colleges have stopped providing affordable Level 1 and Level 2 BSL courses¹³. As a result, there are fewer opportunities for people to take up learning BSL, and the numbers of people taking courses has fallen. This is likely to result in a reduction in the number of people going on to train as interpreters in future years.

The overall cost of training up to registration standard is relatively high, and takes around 7 years. Unless the profession is sufficiently attractive to potential interpreters, there will be little incentive for new people to invest the time and money necessary to join the profession. This would create an even greater shortfall in supply than there is now, and could lead to unqualified 'signers' being used in place of registered and qualified interpreters. The result would be a significant backwards step for Deaf people's equal access to society.

NUBSLI believes that a conversation needs to take place between the government, education providers, funding bodies, NUBSLI and other stakeholders to consider funding and appropriate training routes that will enable sufficient numbers of new trainees to join the profession.

¹³ Signature evidence to the market review, 2016