

# National Framework Agreements:

## A DOSSIER OF DISGRACE



Compiled by NUBSLI: National Union of British Sign Language Interpreters  
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## Foreword

British Sign Language (BSL) is the preferred communication method for an estimated 87,000 Deaf people in the UK. British Sign Language interpreters provide an essential and invaluable service for public services in providing communication support between public service providers and Deaf people. Cost cutting by central government has led to a situation where Deaf people are being badly let down, agencies are creaming off a profit, and highly skilled BSL/English interpreters are exiting the profession. The framework agreements introduced by the Government that were supposed to introduce competition in service provision have led to a chronic failure in service provision and there is an urgent need to review the Crown Commercial Services, Ministry of Justice and NHS Shared Business Services framework agreements.

There also needs to be an urgent investigation into the role of the agencies operating in the sector. This authoritative and comprehensive dossier of disgrace provides an insight into the chaos created by the current framework agreements as well as practical solutions. It will provide an essential resource for Deaf people, policy makers and campaigners who are determined that our public services should provide communication access to Deaf people.

**Siobhan Endean,**  
National Officer,  
Community, Youth & Not for Profit Sector

## Executive Summary

This *Dossier of Disgrace* was produced as a result of ongoing concerns raised by the National Union of British Sign Language Interpreters (NUBSLI) about the Government's use of National Frameworks for the procurement of British Sign Language (BSL)/English interpreting services for public services.

National Framework Agreements have proven to be unworkable for all parties. It is an unfeasible business model for the agencies being awarded contracts, it is unsustainable for BSL/English interpreters and Deaf customers have repeatedly been let down and have lost any choice and control over the interpreters they wish to use.

### INTRODUCTION:

NUBSLI was established in May 2014 as a result of government cuts to the Access to Work scheme. Interpreters were concerned that attacks on Deaf people's support would result in pressures being made on Interpreters fees, terms and conditions. In safeguarding the sustainability of the profession, interpreters were able to ensure Deaf people's rights to high quality interpreting access.

BSL/English interpreters train for an average of seven years and are highly skilled professionals, many of whom are qualified to post-graduate level. They are regulated by one of three bodies in the UK National Registers of Communication Professionals working with Deaf and Deafblind people (NRCPD), Regulatory Body for Sign Language Interpreters and Translators (RBSLI) and Scottish Association of Sign Language Interpreters (SASLI). NUBSLI recommends only using the services of a regulated trainee or registered BSL/English interpreter through one of the three regulatory bodies, as this gives both the Deaf and hearing client/s reassurance that the practitioner has undertaken the required complex and advanced training, is

DBS checked and has the appropriate personal indemnity insurance (PII) in place. ID badges should be visible during assignments to provide reassurance to both Deaf and hearing people using an interpreter, that they are adequately trained and regulated. The consequences of not using professional services can be far-reaching and, in extreme cases, life-threatening.

### **CURRENT SITUATION:**

There is currently a shortage of BSL/English interpreters. This was highlighted recently in Geneva (September 2017), when the Government were questioned over the shortage as part of the UNCRPD process. The British Deaf Association's press release stated that:

"In a landmark moment for deaf people in the UK, the UK government has been told by a leading UN committee that it must "ensure that legislation provides for the right to educated high-quality sign language interpretation...in all spheres of life", highlighting a key loophole in current UK law.

In order to track any changes within the profession, NUBSLI has carried out annual surveys of BSL/English interpreters since 2015. The 2015 results showed that a shocking 48% of interpreters were considering leaving the profession with 93% of these respondents having more than 10 years' experience.

Following the results of the 2015 survey, in March 2016 NUBSLI commissioned independent disability researcher Catherine Hale to produce a report on the findings of exit interviews completed by Sign Language interpreters (SLIs) between 19 November and 17 December 2015. It highlighted uncertainty as being the main concern facing interpreters working in the profession. The 2016 survey mirrored the results of the first.

In 2015 the (DWP) agreed to look at communication services (interpreting, speech to text, lipspeaking, etc.) for D/deaf people.

NUBSLI agreed to be on the steering committee to ensure that the review would be as balanced as possible. The deadline for evidence was February 2016 but the report was not published until June 2017. Two significant events are not reflected in this document:

- The liquidation of a large spoken language agency, Pearl Linguistics who cited frameworks as one reason for their liquidation.

It is clear that frameworks are not a sustainable business model. The companies involved have no way of knowing how many customers they will get over what time period. Cash flow becomes an issue and paying end suppliers stops. Interpreters from all languages were owed and lost significant amounts of their income as a result of Pearl going into liquidation.

- The boycott of another agency, LanguageLine Solutions (LLS), by interpreters in response to a large reduction in fees to unsustainable levels.

NUBSLI members boycotted LLS from November 2016 after they tried to impose cuts of one third to interpreted fees. The boycott ended in July 2017 when they agreed to return the original rates of pay and terms and conditions. It is worth noting that LLS attempted to source BSL/English Interpreters to cover the Sheffield bookings from as far afield as Scotland. We were informed at our first meeting with LLS that travel was payable by the NHS trust/CCG rather than the agency who held the contract; this would have meant considerable expense to the NHS and demonstrates how the use of frameworks offers no cost savings to the tax payer.

*We therefore do not believe that the DWP Marketplace Review is fit for purpose and it should not be used to guide procurement options.*

NUBSLI are concerned that the Government intend to use framework agreements to

procure services for BSL Access to Work users. As of April 2018, the amount awarded to an individual from the Access to Work scheme is being capped at £41,000. The expectation is that government will choose to create a call off under the CCS framework agreement to service these awards. This is a worrying development as choice and control for Deaf individuals and the ability to choose a specific interpreter for a particular aspect of the job will diminish. We also anticipate that interpreters' fees will be offered at below market rates in an attempt to mitigate the cap.

This is not sustainable and may result in more experienced interpreters leaving the profession. When the Government has already been asked to acknowledge a shortage of interpreters, this course of action would exacerbate the situation, worsening communicate access for Deaf people in the UK.

### **NATIONAL FRAMEWORK AGREEMENTS:**

In December 2014, a notice was placed in the Official Journal of the European Union (OJEU) stating the Government's intent to establish national framework agreements for interpreting – including sign language.

The whole concept of frameworks is that they can provide cost savings. By buying in bulk, it is expected that savings can be made via increasing competition in the market and what is known as gainshare by which any savings are passed back to government. This model doesn't work for services provided by self-employed sign language professionals, whose overheads do not diminish.

NUBSLI were forced to establish a #ScraptheFramework campaign in order to be involved in any discussion with the Government body responsible for the frameworks, who refused to engage with us prior to this. They dismissed many of the concerns we raised ahead of the framework being tendered.

There are currently three national framework agreements:

- Crown Commercial Services (CCS)

- Ministry of Justice (MoJ)
- NHS Shared Business Services (NHS SBS)

NUBSLI has several serious concerns that impact Deaf people's ability to access public services.

These are:

- Unsustainable, below market rates being offered
- Unqualified individuals being provided under contracts instead of qualified interpreters
- Unethical practices by agencies
- Inexperienced interpreters being used in inappropriate domains (e.g. court interpreting)
- Unqualified and unregulated Deaf relays being used in court settings
- Lack of accountability for Deaf people wishing to complain
- No recourse to complain about agencies
- Unsafe practices – interpreters being asked to work without coworkers, placing their health and safety as risk
- Agencies falsely stating that named interpreters have been booked for assignments (damaging their professional reputation)
- Video relay interpreting being used in unsuitable situations and not accounting for users' needs
- No interpreters being provided for statutory services (e.g. child protection meetings, court, medical appointments)

There has been a lack of meaningful consultation with either the Deaf or interpreting communities.

Subcontracting has become commonplace and is a waste of taxpayers money adding unnecessary layers of bureaucracy and meaning that specific requests made on original bookings do not get passed on. There has been a huge increase in the number of interpreters requesting support from

NUBSLI for help with late payments. We are sending an average of three letters before claim a week to agencies. This again will have an impact of the sustainability of the profession with many interpreters being unable to afford to continue in their chosen careers.

### CONCLUSION:

To summarise, framework agreements are hugely damaging to our profession and will have a devastating impact on Deaf people's lives with this barrier to access. The Government has already recognised that there is a shortage of BSL/English interpreters; the continued use of frameworks is only going to exacerbate this.

### SUMMARY OF RECOMMENDATIONS:

- Investigate the role of the agencies in providing a vital service to vulnerable adults in the public sector.
- An EHRC/Cabinet Office investigation into the provision of sign language interpretation – to include consultation with the Deaf community and interpreting organisations (including NUBSLI).
  - to include an assessment of unmet need where interpreting services have not been supplied.
  - to include an assessment of the wasted cost of private companies' involvement in the provision of services.
- Cabinet office review of the Framework Agreements which govern the provision of interpreting and translation across local and central government including other statutory bodies e.g. NHS, Police and HMCTS.
- Establish minimum standards for the provision of BSL/English interpreting services which meets the requirements of the Public Sector Equality Duty to include:
  - ensure any service provider uses only registered interpreters and supervised trainees interpreters.
    - ensure any unfilled bookings or cancellations are logged and records kept centrally so unmet need can be assessed.
    - ensure there is an accessible and transparent central complaints procedure by the service which is logged by NRCPD and the organisation.
    - ensure preferences by Deaf people are recorded and met and if unmet are logged e.g. gender preference of interpreter when required at sensitive appointments.
    - state that for specialist types of interpreting, experience in that area is needed e.g. legal, mental health and social care interpreting.
    - Re-establish direct booking of BSL/English interpreters by key public sector bodies e.g. NHS Trusts, Police, Courts, which would improve quality assurance.

If you wish any further information please email us at: [communications@nubsli.com](mailto:communications@nubsli.com)

## Introduction

### **A DOSSIER OF DISGRACE:**

The National Union of British Sign Language Interpreters (NUBSLI) has compiled this dossier of disgrace to highlight the many difficulties that have arisen since national frameworks have been introduced to procure BSL/English interpreting services.

National Framework Agreements have proven to be unworkable for all parties. It is an unfeasible business model for the agencies being awarded contracts, it is unsustainable for BSL/English interpreters and Deaf customers have repeatedly been let down and have lost any choice and control over the interpreters they wish to use. All these issues will be looked at in greater detail and case study examples to evidence each of these will be provided.

### **BACKGROUND TO UNION:**

The National Union of British Sign Language Interpreters (NUBSLI), was established in May 2014 after concerns were raised about the Government's attempts to cut Deaf people's Access to Work (AtW) budgets by introducing the '30 hour rule'. It became clear that in order to provide the legislated access required (e.g. the NHS Accessible Information Standard), the Government were set on diminishing BSL/English interpreters' fees and working terms and conditions. NUBSLI now represents approximately 40% of the profession.

### **REGISTRATION OF BSL/ENGLISH INTERPRETERS:**

BSL/English interpreting is a highly skilled profession. Interpreters train for an average of seven years, with many qualified to post-graduate diploma level.

British Sign Language (BSL) is the preferred communication method for an estimated 87,000 Deaf people in the UK.<sup>1</sup> BSL is a complex and rich language with its own grammar that is independent of English. It is NOT a derivative of English, neither is it another form of English.

Interpreting is the action of listening to someone talking/signing, understanding what that means, and then producing an appropriate equivalent message in another language.

Interpreting is different from translation because interpreting is a 'live' process that takes place between speakers of different languages, such as at an international conference, or a Deaf person visiting their GP. Translation is less immediate and is often linked to the written and recorded form – such as translating the Harry Potter series from English into Hindi.

Professional interpreters are fluent in two or more languages, and hold professional qualifications in those languages as well as in the discipline of interpreting.

BSL/English Interpreters work between a signed language (BSL) and a spoken language (English).

Whilst undergoing training, interpreters often register with Scottish Association of Sign Language Interpreters (SASLI), or with National Registers of Communication Professionals working with Deaf and Deafblind people (NRCPD) across the UK, as a Trainee Sign Language Interpreter:



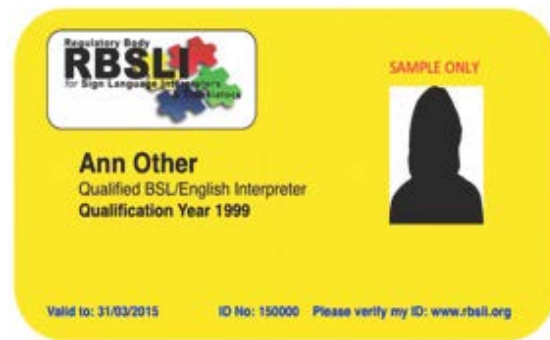
<sup>1</sup> Source: British Deaf Association (<https://bda.org.uk/help-resources/>).

This enables them to undertake certain areas of work such as community and workplace interpreting. Trainee Interpreters should not undertake work in child protection, legal or mental health settings.

Once qualified, they can then become a Registered Sign Language Interpreter with the NRCPD or with one of the alternative regulatory bodies: Regulatory Body for Sign Language Interpreters and Translators (RBSLI) or SASLI.



NUBSLI recommends only using the services of a regulated trainee or registered BSL/English interpreter through one of the three regulatory bodies, as this gives both the Deaf and hearing client/s reassurance that the practitioner has undertaken the required complex and advanced training, is DBS checked and has the appropriate personal indemnity insurance (PII) in place.



Practitioners registered with the NRCPD are also required to undertake and evidence structured and unstructured CPD every year. If an interpreter is unwilling or unable to provide evidence of their registration, they may well be unqualified and/or untrained – this could result in inadequate and inaccurate information being interpreted.

The consequences of this can be far-reaching and, in extreme cases, life-threatening. In health and social care, it could mean a Deaf patient (or parent of a child patient) receiving an incorrect diagnosis and/or incorrect instructions on how to take medication. In a solicitor's office, it could result in otherwise crucial evidence being made unreliable in court – or a case being wrongly dismissed before going to trial.

For any service provider or public-facing organisation, it is both commercially sensible and legally prudent to ensure appropriate interpreter provision is made for BSL-using clients, customers, patients and service users.



## Current situation

### THE NATIONAL SHORTAGE OF INTERPRETERS:

In Geneva in September (2017), the Government were questioned over the shortage of BSL/English interpreters in the UK, as part of the UNCRPD process. The British Deaf Association's press release stated that:

*"In a landmark moment for deaf people in the UK, the UK government has been told by a leading UN committee that it must "ensure that legislation provides for the right to educated high-quality sign language interpretation...in all spheres of life", highlighting a key loophole in current UK law.*

*The announcement came as part of the Concluding Observations of the UN Committee of the Convention on the Rights of Persons with Disabilities (CRPD) whose chairperson, Theresia De-gener, was unfaltering in her clear criticism of the UK Government's 'grave and systematic violations' of deaf and disabled people's human rights.*

*The lack of legislated language rights for deaf people in the UK has led to severe failings that include poor educational outcomes, deaf people being put at extreme risk in emergency situations, and there being no access to British Sign Language in many areas of public life".<sup>2</sup>*

This is the first time in recent years that the shortage of interpreters has been raised. NUBSLI was very concerned to hear that the UK Government's response to this was to refer to the DWP marketplace review. This is discussed in more detail later, but focuses on procurement and omits two significant events which were not included in the review, namely the liquidation of one of their key suppliers and the recent boycott of another key supplier by BSL/English interpreters.

In July 2016, there were 1186 interpreters registered with NRCPD. NUBSLI counted 170 agencies operating to provide BSL/English

interpreters in the UK. That equates to one agency for every seven interpreters. This shows the extent of the issue that the profession is facing. We are being exploited as a group and money that should have been spent on yearly fee inflation has instead been used to pay private companies who offer little in the way of added value. There are a few exceptions to this, but sadly only a handful of ethical agencies that provide a valuable service exist.

### NUBSLI ANNUAL SURVEYS/ EXIT INTERVIEW REPORT:

Since its inception in 2014, NUBSLI has endeavoured to survey the profession to discover any trends and to assess how government procurement was affecting the sustainability of BSL/English interpreting.

### SURVEY OF BSL INTERPRETERS' WORKING CONDITIONS 2015:

The first survey was completed in 2015 and its results were shocking with 48 per cent of respondents considering leaving the profession. Of those who were considering leaving, 93 per cent were qualified and about half of those had more than 10 years' experience.<sup>3</sup> Almost half (485) of the profession responded to the survey.

### EXIT INTERVIEW REPORT:

In March 2016, NUBSLI commissioned independent disability researcher Catherine Hale to produce a report on the findings of exit interviews completed by Sign Language interpreters (SLIs) between 19 November and 17 December 2015.<sup>4</sup> It highlighted uncertainty as being the primary concern facing interpreters working in the profession.

*"The driver for this uncertainty appears to be changes to procurement arrangements for SLIs. These have placed agencies under increasing pressure to make cost reductions. This will have had an inevitable downward pressure on pay rates, to the extent that they have fallen*

<sup>2</sup> <https://bda.org.uk/press-release-uncrpd-bsl/>

<sup>3</sup> [http://b3cdn.net/unitevol/b63701d19948b75b4b\\_71m6vjxi.pdf](http://b3cdn.net/unitevol/b63701d19948b75b4b_71m6vjxi.pdf)

<sup>4</sup> <http://www.nubsl.com/wp-content/uploads/2016/03/an-uncertain-future.pdf>

*significantly below the market rates for skilled and experienced SLIs.*

*This places pressure on trainees to take work, sometimes in highly sensitive legal or clinical contexts, for which they may lack the necessary skill and experience. The end result is a reduction in service to clients; an unfair burden on trainees and the loss of expertise from experienced SLIs.*

*Deaf and deafblind people rely on the SLI profession for access to employment, health and social care services including child protection, the criminal justice system and to ensure their rights under the Mental Health Act. Those responsible for commissioning and delivering SLI services must consider the impact on this community and its citizenship rights as well as the working conditions of SLI professionals.*

*The results of our latest Exit Survey corroborated our earlier findings. Nearly three in four of those leaving or reducing their commitment to the profession cited job insecurity as the biggest factor behind their decision. More than half of them plan to leave the Deaf/SLI sector altogether.*

*These findings raise further concerns over the sustainability of the profession in the face of prevailing pressures on end suppliers to reduce costs. NUBSLI has identified shortcomings in the new Crown Commercial Services (CCS) framework agreement which are likely to exacerbate this trend."*

## **SURVEY OF BSL/ENGLISH INTERPRETERS' WORKING CONDITIONS 2016**

NUBSLI repeated the annual survey in 2016<sup>5</sup> and the result very much mirrored the first. The main themes that emerged were:

- The continuing downward pressure on fees and T&Cs, and the impact of that on respondents and Deaf people.
- That work in rural areas is often unviable due to minimum booking durations without

appropriate remuneration for travel time or costs.

- Lack of recognition or appropriate remuneration for specialist work, including court work.

Respondents reported that these issues, along with other factors detailed in the report, continue to lead them to seriously consider reducing or stopping interpreting hours, and in many cases, respondents reported that they had already done so.

### **DWP MARKETPLACE REVIEW:**

In 2015 the DWP agreed to look at communication services (interpreting, speech to text, lipspeaking, etc.) for D/deaf people. The last time this was looked at was in 2002 in research conducted by Durham University. Whilst DWP conducted the review, they had the guidance of a steering group. NUBSLI were invited to be part of this, along with NRCPD, ASLI, Action on Hearing Loss, NDCS, and other organisations.

Despite reservations, NUBSLI took this opportunity to ensure the work would be as balanced as possible for a government document. The deadline for evidence was February 2016 but the report was not published until June 2017.

### **Two significant events are not reflected in this document:**

- The liquidation of a large spoken language agency who cited frameworks as one reason for their liquidation
- The boycott of another agency by interpreters in response to a large reduction in fees to unsustainable levels

**Both of these issues were excluded from the DWP marketplace review (further details below). We therefore do not believe that it is fit for purpose and it should not be used to guide procurement options.**

<sup>5</sup> <http://www.nubsl.com/guidance/survey-bslenglish-interpreters-working-conditions-2015-2016/>

The DWP report does, however, evidence the shortage of interpreters:

*"the data... show BSL is the first language of 24,000 people, but there are only 908 registered sign language interpreters".*

It also provides evidence that current services are not meeting Deaf people's needs:

*"People who are Deaf or have a hearing loss report not being able to access public services because their communication needs are not met".*

Some other useful conclusions highlighted by our Nub article which is an insightful and important read that complements this report. (<https://www.nubsl.com/nub-posts/dwp-market-review-communication-services/>).

#### **PEARL LINGUISTICS LIQUIDATION:**

Pearl Linguistics was awarded a call off under the CCS framework in 2015. They went into liquidation in March 2017. In their liquidation statement, they cite frameworks as being one of the reasons for their insolvency:

*"[...] the Company entered into Framework Agreements which forced it to offer low rates without the supplier really knowing whose business they would eventually get". It goes on to explain that "the Company started to experience cash flow issues due to the decreasing rates NHS and local Authority customers paid".*

(<http://www.nubsl.com/the-nub/insolvency-document-confirms-framework-agreements-unworkable/>)

It is clear that frameworks are not a sustainable business model. The companies involved have no way of knowing how many customers they will get over what time period. Cash flow becomes an issue and paying end suppliers stops. Interpreters from all languages were owed and lost significant amounts of their income as a result of Pearl going into liquidation. Another large provider is currently in a similar situation.

Customers were left feeling anxious over appointments and were unclear what would happen.

(<https://www.thecanary.co/discovery/2017/04/13/private-nhs-contractor-gone-bankrupt-sums-tories-health-policies/>)

NUBSLI are currently (November 2017) sending a minimum of three 'letter before claim' emails to agencies per week on behalf of interpreters who haven't been paid for work completed.

At some point this system is going to collapse and it is the Deaf community and BSL/English interpreters who will be most affected.

#### **LANGUAGELINE SOLUTIONS (LLS) BOYCOTT:**

In 2016, NUBSLI discovered that LLS intended to cut interpreters fees by one third, again citing the NHS contracts they were bound by as the reason for this.

On 1 November 2016 (Sheffield) and 1 December (London), BSL/English interpreters voted to boycott these contracts. We made it clear that as soon as sustainable fees, terms and conditions were offered again, we would return to working with the agency. See Appendix 1 for Nub article.

#### **Case study – fees at unsustainable levels**

*I'm self-employed and work on a freelance basis, so my income is never guaranteed. I don't get sick pay, or holiday pay, or paid training. That all comes out of my own income, but I accept all of this because the job I get to do day in, day out gives me such joy.*

*Most of my work is medical interpreting, about a third actually. This work comes to me via agencies, and the agencies are trying to break me. They want me to do the same amount of work for a third less pay, just like that. No rhyme or reason, just because they decided, and there is very little I can do.*

Well, that's not entirely true, it seems to me that actually I have two choices.

**Choice 1: accept the one third pay cut and lose approximately £5000 a year.**

**Choice 2: refuse the work at a lower rate of pay, stick to my guns and take nothing from the agency, potentially losing approximately half my annual income.**

Further reading on the boycott is available in the Appendices, but we had five press releases covering our boycott.

*"NUBSLI says it is with "reluctance" that it is now calling on its members to boycott LLS. This is the first time in the industry's thirty-year history that interpreters have taken action. The union is asking interpreters not to accept any contracts with the company. It claims that LLS is trying to make "the interpreting community... simply comply with a huge cut to their fees""<sup>6</sup>*

*"Outsourcing and the privatisation of our services typically puts the profit-making of companies ahead of doing what is best for communities and service users. This is happening in Sheffield where the Deaf community is at risk of losing much needed access and support from its local British Sign Language (BSL) interpreters.*

*The various health, social care and community appointments that Deaf people need to attend on a daily basis could grind to a halt"<sup>7</sup>*

*"It was clear that LLS didn't believe any action would hold. As a branch of freelance interpreters, many of our members in Sheffield became aware of interpreters as far away as Scotland being approached to cover their work. Thankfully, as a small profession, there was support nationwide.*

*The boycott held for seven months until finally, LLS conceded that it was unable to deliver the service it had been contracted to provide. The company has now implemented a new payment*

*arrangement and agreed to the guidance fees NUBSLI members work to"<sup>8</sup>*

*"We've made it clear to Sheffield council and CCG that we're not boycotting the services – they can just book interpreters directly – but most individual departments aren't even aware that they can arrange this outside the LanguageLine contracts," Evans says.*

In August 2016 LanguageLine Solutions Global was sold off by its owners the private equity firm ABRY Partners to Teleperformance, a French based call-centre transnational corporation for \$1.52 billion.

LanguageLine cuts to fees in London start on Thursday and NUBSLI plans to carry on taking the fight forwards.

*"They assume once they've got a monopoly in the market they can dictate the fees – but they haven't realised they can't do it without us. This'll be the first time in 30 years of the profession that interpreters are beginning to recognise the power that we have," she stresses emphatically"<sup>9</sup>*

*"NUBSLI Chairperson, Emma Lipton (one of the interpreters to join the Sheffield boycott), said:*

*"This is a huge win for NUBSLI, who boast a membership of over a third of the profession. Whilst it hasn't been a quick win and we don't pretend it was easy, with many members sacrificing their main stream of work and income (particularly in Sheffield), their persistence has paid off. It is to them we would like to offer our thanks as they have led the way for the rest of the profession. "*

NUBSLI have a significant role to play in defending the rights of Deaf BSL users to high quality access provision as well as the integrity of our profession.

We would urge any BSL/English interpreters who are not yet members to join us. This victory has clearly shown the power of collective action. With more and more

<sup>6</sup> <https://www.thecanary.co.uk/2016/12/01/nhs-privatisation-gathers-pace-workers-taking-action-first-time-history-images/>

<sup>7</sup> <https://weownit.org.uk/blog/private-company-cut-puts-sheffield%E2%80%99s-deaf-community-risk>

<sup>8</sup> <https://www.morningstaronline.co.uk/a-7ec1-We-will-not-stand-by-as-our-jobs-and-rights-are-ruined#.WczDYGhSxdg>

<sup>9</sup> <https://www.morningstaronline.co.uk/a-311e-Union-set-on-winning-the-battle-of-Sheffield#.WczDemhSxdg>

pressure being placed upon us, now is the time to join the fight back!"<sup>10</sup>

Unable to fulfil bookings, the boycott ended in July 2017 when LLS agreed to the pre-boycott rates and terms and conditions.

It is worth noting that LLS attempted to source BSL/English Interpreters to cover the Sheffield bookings from as far afield as Scotland. We were informed at our first meeting with LLS that travel was payable by the NHS trust/CCG rather than the agency who held the contract, this would have meant considerable expense to the NHS and demonstrates how the use of frameworks offers no cost savings to the tax payer.

As a result of the LLS boycott, Healthwatch Sheffield produced a report "Not Equal: The experiences of Deaf people accessing health and social care in Sheffield", that examines Deaf people's access to services.  
<https://www.healthwatchsheffield.co.uk/reports/?platform=hootsuite>

There was also an interview on BBC Radio Sheffield, a transcript is available.  
<https://www.healthwatchsheffield.co.uk/reports/?platform=hootsuite>

### **ACCESS TO WORK:**

Access to Work is a government scheme which supports Deaf and disabled people to access employment.

"An Access to Work grant can pay for:

- special equipment, adaptations or support worker services to help you do things like answer the phone or go to meetings
- help getting to and from work"

<https://www.gov.uk/access-to-work>

In June 2011 the Government commissioned Liz Sayce, Chief Executive of RADAR to produce a report into the Access to Work scheme; "Getting in, staying in and getting on:

Disability employment support for the future" ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/49779/sayce-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49779/sayce-report.pdf)).

Since the publication of this report, the Government began making significant changes to the Access to Work scheme. Described previously as the Government's "best kept secret", the aim was to extend the scheme to more disabled people. However, rather than improve the scheme, it has led to people losing much needed support and placed jobs at risk.

The campaign group StopChanges2AtW and Inclusion London have produced a report "Barriers to Work" which looks at the changes that were made to the scheme and the impact this has had. There was a parliamentary launch of this report on 24 October, 2017.  
[https://stopchanges2atw.files.wordpress.com/2017/10/barriers-to-work-inclusionlondon\\_oct-2017.pdf](https://stopchanges2atw.files.wordpress.com/2017/10/barriers-to-work-inclusionlondon_oct-2017.pdf)

A separate comprehensive list of recommendations "Improving Access to Work: Our recommendations" was also published alongside this.  
[https://stopchanges2atw.files.wordpress.com/2017/10/accesstoworkrecommendations\\_web.pdf](https://stopchanges2atw.files.wordpress.com/2017/10/accesstoworkrecommendations_web.pdf)

### **WHY A FRAMEWORK AGREEMENT WILL NOT MITIGATE THE IMPACTS OF THE ACCESS TO WORK (ATW) CAP:**

As of April 2018, the amount awarded to an individual from the Access to Work scheme is being capped at £41,000. The expectation is that government will choose to create a call off under the CCS framework agreement to service these awards. This is a worrying development as choice and control for Deaf individuals and the ability to choose a specific interpreter for a particular aspect of the job will diminish. For example an in-depth finance meeting will require an interpreter skilled in this area, the same job may require networking and the Deaf person will want an interpreter who possesses good interpersonal

<sup>10</sup> <http://uniteresist.org/2017/07/a-win-for-bslenglish-interpreters/>

skill for this: a Deaf person may choose to work with different interpreters with a different skill set for each area of their work.

NUBSLI was invited to speak at the StopChanges2AtW parliamentary launch of their 'Barriers to Work' report ([https://stopchanges2atw.files.wordpress.com/2017/10/barriers-to-work\\_inclusionlondon\\_oct-2017.pdf](https://stopchanges2atw.files.wordpress.com/2017/10/barriers-to-work_inclusionlondon_oct-2017.pdf)) and 'Improving Access to Work' recommendations ([https://stopchanges2atw.files.wordpress.com/2017/10/accesstoworkrecommendations\\_web.pdf](https://stopchanges2atw.files.wordpress.com/2017/10/accesstoworkrecommendations_web.pdf)).

There are concerns that AtW are intending to use the CCS framework to procure interpreting services in a bid to counter the effect of the cap government are imposing on high support AtW recipients.

### **OUR RESPONSE:**

The FWA will instigate its own cap on the hourly amount for any contract. Any agency administering the AtW budget for a Deaf person will use this amount to cut the rates of pay for an interpreter so that it comes in below their budget.

The fees offered to a professional interpreter will be below market rates which means interpreters will not be able to work for those amounts, resulting in even fewer interpreters being available to work within AtW settings and will have the long term effect of forcing interpreters to leave the profession. The DWP is attempting to control the market by using a framework that does not follow the market rates interpreters charge.

NUBSLI have already shown that we are able to successfully boycott unsustainable contracts to protect interpreters' fees, terms and conditions and in doing so protect Deaf people's right to qualified access.

## National Framework Agreements (FWAs):

### What is a framework and why is it a problem for interpreters and translators?

The whole concept of frameworks is that they can provide cost savings. By buying in bulk, it is expected that savings can be made via increasing competition in the market and what is known as gainshare by which any savings are passed back to the government.

For example, a council needs to buy office desks. The council starts their procurement process and looks for a framework offering contracts for office furniture. The council negotiates with suppliers on the framework (who have already stated their terms and conditions) and decides which supplier they wish to start a contract with usually on the basis of which is the most cost effective.

This works for tangible products – such as desks or printing – where the cost of buying in bulk is cheaper, or where the more copies you print the less overheads there are.

However, the problems occur when the Government attempts to use the same principles for services supplied by people. It is irrelevant how many hours an interpreter or translator works, as their overheads will remain the same. In fact, it is more likely that their overheads would increase (e.g. childcare costs).

In December 2014, a notice was placed in the Official Journal of the European Union (OJEU) stating the Government's intent to establish national framework agreements for interpreting – including sign language. NUBSLI was aware of the issues of the Ministry of Justice's contract for court interpreting, the dire effects on the spoken language interpreting profession and the work of the Professional Interpreters for Justice (PI4J).<sup>11</sup> As

a result of this knowledge and the need to defend the quality and future of the BSL/English interpreting profession, NUBSLI launched the #ScraptheFramework campaign.<sup>12</sup>

National framework agreements including BSL/English interpreting services, have been implemented by the CCS in a variety of contexts over the past years and have been found to be 'not fit for purpose'. In every case the contract is given to a large spoken language interpreting agency who does not have the specialist knowledge to deliver interpreting services to the Deaf/deafblind community. Legislation classes Deaf and deafblind people as vulnerable and as such they must be treated differently from those with other language access needs. Inclusion of BSL/English interpreting and other language services alongside spoken language services for non-disabled people, even if this is in separate lots, serves to disadvantage disabled people and this amounts to indirect discrimination.

Professional interpreters must be used for access. In specific settings, such as mental health, all legal work and social care including child protection, the use of fully qualified, registered interpreters, rather than trainees, is essential.

There are various pieces of legislation that ensure the use of registered interpreters.<sup>13</sup>

### CURRENT LEGISLATION:

- United Nations Convention on the Rights of Persons with Disabilities 2006
- Care Act 2014
- Health and Social Care Act 2012
- EU Directive 2010/64/EU

<sup>11</sup> PI4J – Professional Interpreters for Justice <http://www.unitetheunion.org/how-we-help/list-of-sectors/community-youth-workers-and-not-forprofit/nupitnationalunionofprofessionalinterpretersandtranslators/nupitcampaigns/professionalinterpretersforjustice/>

<sup>12</sup> <http://www.nubsl.com/campaigns/scrap-the-national-framework-agreement-campaign/>

<sup>13</sup> Mental Health Act (1983) Code of Practice pg 133

EU Directive 2010/64/EU right to interpretation and translation in criminal proceedings  
England Accessible Information Standard (ISB 1605)

- EU Public Procurement Directive 2014/24/EU
- Mental Health Act 1983 Code of Practice
- Human Rights Act 1998
- European Convention for the Protection of Human Rights and Fundamental Freedoms 1950
- United Nations Convention on the Rights of the Child 1989
- Equality Act 2010
- Data Protection Act 2003

Professional interpreters must be used for access, and in specific settings, i.e. mental health, all legal work and social care including child protection, the use of fully qualified registered interpreters rather than trainees is essential. Much of the legislation also describes choice and control, relating to how people can elect to receive services, which is not stipulated in contracts and therefore usually does not happen when agencies are providing a service.

Legislation classes deaf and deafblind people as vulnerable and as such they must be treated differently from those with other language access needs. Inclusion of BSL/English interpreting and other language services alongside spoken language services for non-disabled people, even if this is in separate lots, serves to the disadvantage of the disabled people and this amounts to indirect discrimination.

### **OTHER REPORTS AND RECOMMENDATIONS:**

- The Care Quality Commission (CQC) 'Essential Standards of Quality and Safety'
- Department of Health Report – Towards Equity and Access (2005) Best Practice Guidance
- Advocates Gateway Toolkit 11
- Sign Health – Sick of It report
- BDA report on NHS BSL/English Interpreting Provision in Scotland
- NHS Principles for High Quality Interpreting and Translation Services 2015

- NHS Accessible Information Standard 2015
- Action on Hearing Loss report – Access All Areas

There has been work done by a number of professionals involved in the courts process with Deaf people such as forensic psychiatrists, psychologists, expert witnesses and Deaf advocates in creating a toolkit for lawyers which indicates best practice in using BSL/English interpreters, how to question Deaf witnesses and all other matters relating to ensuring Deaf people have access to justice and that courts can fulfil their statutory duties. The toolkit is published on the Advocates Gateway. These procedures have been followed in recent trials at the Old Bailey successfully.

We are concerned that choice and control, which feature in most of the pieces of legislation listed, cannot be met under this framework. Should an individual not be able to access their preferred interpreter under the framework, they should be provided independently of this. There are several reasons that only certain interpreters might meet an individual's needs. These are:

- Specific language abnormalities (eg Dysphasia/austism etc)
- Idiosyncratic language
- Additional disabilities
- Cultural specific needs
- Specialist knowledge/additional training
- Existing relationship necessary for effective communication (eg Therapeutic/abuse intervention settings)

Individuals should not be treated less favourably for making these requests.

In 2015 NUBSLI sent an open letter to France Maude concerning the CCS Framework Agreement. This attracted over 1,000 signatories including: Len McCluskey - General Secretary of Unite the Union, Linda Burnip - Co-Founder Disabled People Against Cuts and Dr Terry Riley OBE - Chair of the British Deaf Association, as well as many MPs and high profile individuals. (see appendix 2).



We also produced a response to the framework specifications which were woefully inadequate which can be read here:

<http://www.nubsl.com/wpcontent/uploads/2016/01/open-letter-to-francis-maude-scrap-the-framework-1.pdf>.

In response to our concerns, the CCS did take on board some of our recommendations but not all; many of the responses were lip service. The CCS advised that agencies would be subjected to the same code of conduct that interpreters adhere to, however we have never been provided with any guidance on how this will be enforced or by whom.

### **NUBSLI'S SUMMARY OF CONCERNS ABOUT THE FWAs:**

- Reduced amount of choice and control for Deaf people
- Poorer administration; where large agencies subcontract to smaller agencies, mistakes and wastage are more likely in the booking of professionals
- Lacking accountability – it is more difficult for Deaf people to complain about poor services
- Downward pressure on interpreters' fees and terms and conditions to an unsustainable level; inefficient use of public funds on administration rather than access
- Large scale privatisation jeopardises the survival of smaller agencies who have the specialised local knowledge and relationships to meet client need appropriately
- Despite a regional structure, none of the suppliers are local agencies

### **CURRENT NATIONAL FRAMEWORKS:**

#### **CCS – CROWN COMMERCIAL SERVICES:**

Awarded to: Clarion, The Language Shop, Sign Solutions, Language Empire, thebigword, Prestige Network, DA Languages.  
Commences: 22nd April 2016  
Ends: 21st April 2020

Contract Value: £140-250 million.

For use by: Government Collaborative Framework Agreement for use by UK public sector bodies, which includes Central Government Departments and Agencies, Non Departmental Public Bodies, NHS Bodies and Local Authorities.

### **NUBSLI'S MAIN CONCERNS ABOUT THE CCS FWA:**

- A reduced amount of choice and control for Deaf people
- Poorer administration: where large agencies subcontract to smaller agencies, mistakes and wastage are more likely in the booking of professionals
- Poorer accountability – it is more difficult for deaf people to complain about poor services
- Downward pressure on interpreters fees and terms and conditions to an unsustainable level
- Inefficient use of public funds on administration rather than access
- Large scale privatisation further puts at risk the ability for smaller agencies with a good local knowledge and relationships to continue
- Despite a regional structure, none of the suppliers are local agencies

Statutory services who are unable to fulfil their obligations without BSL/English interpreting access, are continually let down by the agencies who hold call offs under this agreement. This included social services who are unable to safeguard adequately without our services.

There are a plethora of case studies which demonstrate the failings of this framework which are included later in this section.

### MINISTRY OF JUSTICE (MOJ):

Awarded to: Clarion  
 Commenced: 31st October 2016  
 Ends: 30th October 2023 (maximum 7 year term, anticipated term 4 years with option to extend for two further periods of 1 year each and further year which can be exercised).  
 Contract Value: £100-350 million

For use by: Courts and Tribunals and some police forces. Additional forces considering use are: Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk.

### NUBSLI'S MAIN CONCERNS ABOUT THE MOJ FWA:

- Experienced court and police interpreters are being lost due to unsustainable fees being offered
- Lack of independent monitoring of standards
- Inexperienced interpreters being used
- A monopoly by one agency
- Inefficient use of public funds on administration rather than access
- Safeguarding risks – due to mistakes being made and lack of monitoring
- Lack of transparency – there is no means to access number of complaints/concerns
- Training – the training being offered does not require a standard of competence by those expressing an interest

NUBSLI is aware of court cases being adjourned due to a lack of interpreters. Highly experienced court interpreters are not being used and newly qualified interpreters without the necessary post qualification training or experience are being employed instead.

We are aware that untrained and unqualified Deaf people are being booked to act as relay interpreters in court. The agency who won this contract are currently charging Deaf people who wish to register with them £350 for an assessment (which is not accredited).

Clarion confirmed that they are currently using 34 deaf relay interpreters, of these only 4 are qualified. NRCPD currently have 11 registered deaf translators (as of December 2017) who have undergone the necessary training required.

Questions need to be asked about why more is not being done to ensure the same level of training that BSL/English interpreters go through is given to Deaf relay interpreters. There remains a lack of understanding within government over the training requirements and skill level needed for our profession. Being fluent in a language is not sufficient.

Translators and interpreters train in Linguistics, translation theory and understand the consequences and ethics involved. They are taught power dynamics, and how to decide language choice, register and modality.

Using people with no formal training in a court setting is an extremely concerning practice and places Deaf court attendees and BSL/English interpreters at risk.

Another concern is the practice of employing a single Deaf translator when BSL/English interpreters will work in pairs. This shows the inequality facing this group within our profession. There is no requirement for Deaf translators to be used. This issue urgently needs to be looked into.

NUBSLI requested that the MoJ removed BSL/English interpreting from this framework. They dismissed our request.

### **NHS SBS – NHS SHARED BUSINESS SERVICES:**

Awarded to: various agencies.

Commences: Anticipated 1st November 2016.

Ends: 31st October 2018 (with the option to extend for a further 2 x 12 months).

We have had several reports of unacceptable practice against this framework. An interpreter wrote a piece for 'The Nub' (NUBSLI's blog) about their experiences of an agency trying to fit multiple bookings into a single day to reduce costs. Several appointments were

missed as a result and the interpreter's mental and emotional well-being was placed at risk (see appendix 3).

Agencies who have won call offs (contracts) from this framework have sometimes provided unqualified "signers" to attend medical appointments. NUBSLI has contacted one of these agencies to make them aware of the NHS Accessible Information Standard, which was established to ensure Deaf people, amongst other groups, had equal access to the NHS. It was extremely concerning that an agency procured by the Government are not aware of the legislation covering the community they serve. This reinforces NUBSLI's assertion that BSL should not be included in a framework with spoken languages. Deaf people are classed by government as disabled and therefore are protected by extra legislation that does not apply to spoken languages. Case studies relating to the use of unqualified people as well as other issues relating to use of frameworks for medical appointments follow.

### **NUBSLI'S MAIN CONCERNS ABOUT THE NHS SBS FWA ARE:**

- Inexperienced interpreters being used – an arbitrary 25 hours experience in health care setting is given in the specification document
- Inefficient use of public funds on administration rather than access
- Poorer accountability – it is more difficult for deaf people to complain about poor services
- Safeguarding risks – due to mistakes being made and lack of monitoring
- Lack of transparency – there is no means to access number of complaints or concerns raised
- Downward pressure on interpreters' fees and terms and conditions to an unsustainable level.

## CASE STUDIES: REDUCING QUALITY OF BSL/ENGLISH INTERPRETING AND PUTTING DEAF PEOPLE AT RISK

With many interpreters refusing to work for poor terms and conditions there has been an increase in poor practice. We have heard of several accounts from interpreters that their names have been given to Deaf clients for appointments that they were never booked for. This is completely unacceptable.

### Case Study – Deaf relay interpreters:

An experienced court interpreter had to ask the court to remove the Deaf relay interpreters that had been provided. They were unqualified and had no understanding of court proceedings or how to behave appropriately – one even fell asleep during the session.

The BSL/English interpreter explained the requirements expected standards for court interpreters and advised that only

There is an important case to be made for using registered, qualified interpreters. Often when inappropriate personnel are used clinicians cannot carry out their statutory duty of care to patients as communication is not achieved. This can cause medical harm as in the case study below.

Registered interpreters also have an added value that is rarely considered by commissioners, front line hospital staff or agencies providing services. This value enables staff to carry out their duties in a way that avoids the need for repeated appointments, risk of mis-diagnosis or the wrong treatment or a mistake in medication.

### Case Study – Use of unregistered and unqualified people unethical

An interpreter was told by a Deaf person during a medical appointment that they were unable to understand the previous person who only had basic sign language qualifications and who had ignored them in favour of talking direct to the doctor.

The interpreter called the agency (with permission from the Deaf patient) to explain the Deaf person was not satisfied with the service and had requested that this individual was not used again. The agency (on the CCS framework), instead of improving their service, targeted the interpreter and suggested they were breaking confidentiality, when in fact the interpreter had behaved both professionally and ethically.

NUBSLI along with NRCPD became involved and contacted the agency to explain that the interpreter was not in breach of the code of conduct and was ensuring the safety of a Deaf patient. It was clear the agency had no understanding of safeguarding.

The agency was aggressive in its responses to the interpreter involved and to NUBSLI, despite the focus being on educating the service, not criticising. This is sadly a common response from agencies that hold government contracts via these frameworks.

As interpreters' time slots are being reduced to save money, the important added value we provide is becoming impossible and the resulting poorer service often represents a waste of taxpayers' money, as additional work is required to resolve the problems caused.

### Case Study – Unregistered and unqualified person caused medical harm and a waste of taxpayers' money

I attended an appointment with an elderly Deaf gentleman who was attending a heart clinic. His appointment was with a senior consultant. The consultant was extremely concerned that despite being given medication that should have helped improve the gentleman's health, it was continuing to deteriorate and he was seriously ill.

As an experienced interpreter, with the confidence to move away from merely translating from English to BSL, I told the consultant that I would ask the gentleman to explain exactly what he was doing to see if that would shed any light on the situation. He explained that he was taking his medication and drinking 'lots and lots' as he had been told. The tablets the man was on meant fluids had to be limited to no more than 1 litre per day. The consequences of not following this was ultimately heart failure.

It became clear that the agency had previously sent an unqualified person to interpret. It was immediately clear to me that the gentleman was of a generation who would not have used the term "litres". I took him to the hospital shop and bought him a litre bottle of water and explained that this was the maximum he could drink in a day (this was any drink, including tea etc).

The man had been attending numerous appointments and was made ill as a result of this one error.

### UNETHICAL AGENCY WORKING PRACTICES:

NUBSLI has numerous case studies that demonstrate how damaging framework agreements are, with Deaf people being repeatedly let down and in some cases, agencies adopting unethical working practices.

#### Examples of poor practice:

An agency struggling to source reliable interpreters sent this email to freelance BSL/English interpreters:

*"Attending the booking is very important, it's a lifesaving responsibility. Could you live with the fact that small baby didn't receive the much needed treatment because you did not attend the booking".*

An agency who has been awarded a contract but has no experience working with BSL/English interpreters:

*"We have never before worked with BSL interpreters on a regular basis. Our work has always focused on spoken language interpreting and so our terms are currently built around that. [...] We do not have a set of business terms appropriate for BSL".*

An agency's response to a complaint NUBSLI raised about their practice of providing unqualified and untrained people as interpreters; this highlights the agency's ignorance of new legislation which NUBSLI had to inform them of:

*"For BSL interpreters there are currently only 7 interpreters who are not registered with a recognised BSL organisation. [...] I have also forwarded the new NHS standards to the interpreting team, to ensure that we remain compliant with any new regulations."*

This provides evidence that they were using people who weren't qualified interpreters. It also demonstrates that they were not ensuring that they were unprepared for meeting new legislative requirements. This was one of NUBSLI's concerns over spoken language agencies obtaining contracts; they lack specialist and disability knowledge.

Interpreters are increasingly being refused co-workers in situation where these are required. Interpreting is an extremely demanding task and interpreters experience physical, mental and emotional fatigue. In certain settings two interpreters will be required to ensure that high quality access can be maintained. Not only will an interpreter's ability to process information diminish over time, this also places a strain on them physically. Interpreters are at risk of developing Upper Limb Disorder, which is a life-long condition.

A BSL/English interpreter reported this surprising practice by one agency of lying to Deaf patients:

### Case study – Unacceptable agency practices

A Deaf client approached me in the street to complain that I had not arrived at a recent job in hospital. I had no knowledge of the booking and had not been approached by the agency. The Deaf person had requested me, as I had historically interpreted her appointments, but the agency won't pay my fee which is in line with NUBSLI's fee guidance. The agency gave my name to the Deaf client and said I had been booked when I hadn't. They then advised her that a 'cover' interpreter was being found as I hadn't turned up. The Deaf person had to wait for an additional hour for their appointment until an interpreter turned up.

I am appalled that an agency in a position of trust has lied to a Deaf customer who has the right to her preferred interpreter. My reputation was being damaged and I only found out about this through a chance meeting.

### LACK OF A TRANSPARENT COMPLAINTS PROCESS:

The following case study is a copy of a complaint sent by a Deaf patient to the hospital they attend. They complained to the agency on several occasions but never had any improvements to the service they received, they then complained to the hospital. Each service, both the hospital and the agency, said that complaints were dealt with by the other. There is no clear means for Deaf patients to raise concerns or log a complaint and there is no way for complaints to be audited. There is no transparency and Deaf people have very few rights.

### Case Study – Copy of complaint about poor and unacceptable levels of service

I have requested a female, fully qualified BSL/English (RSLI) interpreter for all my appointments, but have instead been provided with a male interpreter who is a trainee (TSLI). A trainee interpreter is unable to meet my language needs and I found myself having to regulate my language use to try and make sure the interpreter could understand me. It is not acceptable for Deaf BSL users to have to do this when they are attending medical appointments due to the lack of ability and skill of the interpreter being provided.

This in my opinion is a clear breach of the [NHS Accessible Information] standard.

I am not satisfied with the service being provided by LanguageLine Solutions. I have on several occasions been left waiting for an interpreter for over an hour and on occasion have had to go ahead with an appointment without any interpreting support. I'd also like to bring to your attention the fact that LanguageLine have limited the time allocated for interpreters attending appointments. Interpreters are now clock watching and are not able to provide the level of service they were previously able to as a result and my needs are not being met.

I have previously complained to LanguageLine, but saw no improvement in the service they provided.

### **VIDEO RELAY SERVICES (VRS) VS FACE-TO-FACE INTERPRETING IN MEDICAL SETTINGS:**

The increased use of interpreters accessed via VRS services has been a fantastic advance in accessing services for Deaf people. However, there is a lack of understanding surrounding the added benefit that a face-to-face interpreter provides, especially for medical appointments.

BSL/English interpreters do a lot more than merely interpret in medical settings but often have to act as an advocate for patients who may be feeling overwhelmed or emotional or have differing levels of capacity or language and interpreters must facilitate the patient's understanding. This can be done by ensuring there is opportunity to ask questions and repeat any information. Interpreters also provide cultural mediation; ensuring that the deaf patient has the information provided in a way they will understand (for example using colours of tablets, which is a more visual way to communicate).

Often interpreters will stay with patients after their appointments to ensure understanding and that the patient is happy they have understood. This is invaluable to patients especially if they are upset or emotional. Interpreters may also accompany patients to the pharmacy once appointments have ended to ensure any medication instructions are interpreted.

NUBSLI were recently approached by a member requesting a response to a press inquiry. VRS was being used in lieu of a face to face interpreter due to issues with the local contract and the service used was not acceptable.

### **Case study – local interpreters refuse work under conditions and VRS replacement is unacceptable**

Many interpreters from Devon have withdrawn from working with Language Empire due to issues around poor payment, terms and conditions. As a result, SignLive are being used (VRS) by Derriford Hospital and a Deaf patient attending an oncology appointment was presented with an iPad during his consultation. The technology did not work and the patient went to the local press to raise a complaint as a result.

### **STATUTORY/LEGAL SERVICES FAILING TO FULFIL THEIR DUTIES:**

Interpreters have reported that they have attended bookings which have been postponed or cancelled on up to three or four separate occasions due to issues with agencies who say they are unable to book interpreters. This has affected their ability to safeguard.

The lack of experienced interpreters who will accept poorer working conditions and fees has led to a substantial decrease in quality in some areas. Inexperienced interpreters who (as a result of their lack of experience) will often accept lower fees, means that Deaf people aren't receiving an adequate service.

### **Case study – lack of interpreters causes safeguarding issue**

"I was recently asked to interpret remotely for a child protection meeting. I explained to the Chair that this was not appropriate. They told me that social services have a contract with The Big Word and are obliged to use them, but this was the third meeting where they have attempted to book an interpreter and no one has turned up.

I agreed to explain the situation to the Deaf woman involved and facilitate arranging a new date. All professionals involved were extremely concerned that a Deaf child's safety was being placed at risk and social services couldn't discuss this with the child's mother. This is not the first time I have been made aware of problems social services have had in accessing interpreters."

### Case study – inexperienced interpreters

A high profile case was being interpreted by inexperienced newly qualified interpreters. The case was attended by experienced court interpreters who were concerned that they weren't representing a Deaf defendant appropriately. They were making them sound aggressive when this wasn't how they were presenting. This was raised to both the court interpreters, and subsequently to the court clerks, explaining the consequences of misrepresenting Deaf people in court.

### LACK OF MEANINGFUL CONSULTATIONS:

#### ***No consultation with end users or end suppliers.***

It is worth noting that no consultation took place with the Deaf community or interpreters ahead of the Government's drive to use national frameworks for interpreting.

The DWP announced it would carry out a marketplace review after the first framework had already been awarded. This is a model that was built on sand. The Government had no information on the numbers of potential customers and has never recorded unmet need. These are the numbers of Deaf people who have requested an interpreter but not been provided with a service. This is a common occurrence with many statutory services.

### OTHER CONSEQUENCES OF USING NATIONAL FRAMEWORK AGREEMENTS:

#### **Subcontracting:**

The preferred supplier or main contract holder of government frameworks are often unable to fulfil bookings and therefore subcontract to other agencies. It isn't unusual for a job to be subcontracted twice before coming to the interpreter. This is a huge waste of taxpayers' money and illustrates how inefficient contracts are when being awarded to agencies who have no relationship with the community or the end suppliers.

In some instances interpreters will not work for certain agencies due to poor payment or a bad reputation only to later find that jobs they have taken were subcontracted from them. Interpreters' professional reputation can be affected if they are seen working for certain agencies. Deaf people are often not able to book their preferred interpreter and choice and control has been compromised.

#### **Late payment problems:**

NUBSLI is currently inundated by requests for support around late payments. There are two agencies in particular who are consistently late in paying interpreters' invoices. This is sounding alarm bells having experienced a similar issue prior to Pearl Linguistics going into liquidation. Interpreters are anxious about taking work for these agencies but as they hold many of the major contracts they cannot afford not to take work for them either.

There is also a major problem in getting these agencies to pay the statutory late payment fee (<https://www.gov.uk/late-commercial-payments-interest-debt-recovery>).

Given the shortage of interpreters, the problem is being exacerbated by these issues as evidenced earlier in this report.



## Appendix 1:

NUB Article: NUBSLI members boycott  
LanguageLine Solutions

LanguageLine Solutions (LLS) bid for and were awarded contracts to deliver BSL/English interpreting services for Sheffield City Council, Sheffield Teaching Hospitals and Sheffield Clinical Commissioning Group (CCG). They achieved this by reducing interpreters' pay, and terms and conditions, without discussion with interpreters in the region.

The substantial cut to fees, due to take effect in Sheffield from 1 November, threatens the sustainability of the interpreting profession in this area, and as a result the access provision for the Deaf community. Interpreters in London will also face the same cuts from 1 December 2016.

So, with reluctance, in order to sustain a quality interpreting service in and around Sheffield, the National Union of British Sign Language Interpreters (NUBSLI) is calling on its members to boycott these contracts, and contracts held by LLS in London that offer the same unsustainable fees.

NUBSLI asks all members and non-members in Sheffield, London and the rest of the UK, to support this action by not accepting work for these contracts. NUBSLI recognises that sadly this practice of tendering for contracts at unsustainable rates is not new; however, to see such a move made by a formerly respected agency is deeply troubling. Without any prior consultation, LLS have determined that the interpreting community will simply comply with a huge cut to their fees.

Agencies cannot continue to win contracts by forcing down interpreter fees and offering unrealistic terms and conditions without consequence. If allowed to continue unchecked, the future of the Sign Language profession will be jeopardised by no longer being viable, and as a result the interpreting provision that the Deaf community have fought so hard for is placed at risk of becoming diminished and hugely compromised.

BSL/English interpreters are proud of the work we do and loyal to the community we serve. A boycott of bookings is a last resort – regrettably the feeling amongst interpreters is that they must now take this action to preserve the future of their profession.

NUBSLI has contacted Sheffield CCG, Sheffield Teaching Hospitals and Sheffield City Council to explain that BSL/English interpreters are only withholding services from LanguageLine Solutions. We made it clear that interpreters are still available and have provided information on how to contact interpreters directly.

NUBSLI recognises that there may be exceptional circumstances, such as working with long standing clients with terminal or life-threatening conditions, in which bookings may be honoured.

## Appendix 2:

### **OPEN LETTER TO FRANCIS MAUDE MP: SCRAP THE FRAMEWORK**

We, the undersigned, are writing to request that the national framework agreement for language services (interpreting and translation) currently being drafted by the Crown Commercial Services is scrapped with immediate effect, as we believe it is not fit for purpose.

The intended outcome of the framework agreement - to save money and ensure quality provision - cannot possibly be achieved.

Deaf people have already endured months of uncertainty and poorly administered services as a result of the ill-informed changes made to Access to Work. These changes were made with no consultation and demonstrated a clear lack of understanding of the industry or of how interpreters work. Deaf people's jobs were placed at significant risk. The issues identified by the Work and Pension Select Committee who held an inquiry into Access to Work can be read here, you will note that viable solutions were offered:

<http://www.publications.parliament.uk/pa/cm/201415/cmselect/cmworpen/481/>

Whilst jobs being placed at risk is a serious issue, the consequences of a framework which covers areas such as health, mental health, social services including child protection and other safeguarding areas could be far worse.

Without qualified interpreters, clinicians and other professionals cannot complete their work safely. The risks to the Deaf community are unimaginable. We could, without exaggeration, be talking about loss of life and liberty.

Following on from the disastrous consequences of changes made to Access to Work provision as well as issues of unqualified people being used as interpreters, the BSL interpreting profession is in a state of decline. Almost half of all NRCPD registered interpreters responded to a survey by NUBSLI

recently. The results showed that 48% of respondents are thinking about leaving the profession. A considerably depleted workforce would, as in any market, drive fees upwards.

To de-professionalise the industry would have a detrimental effect on the Deaf community and set access levels back to those last seen twenty plus years ago. Given that it takes on average seven years to train a competent interpreter who is safe to practice, the framework could do lasting damage to the Deaf community. We therefore request that this work ceases and alternative solutions sought with the full consultation of the experts in this sector: the Deaf community and BSL interpreters.

Regards

#Scrap The Framework Campaign Signed by:

**Len McCluskey** - General Secretary, Unite the Union

**Teresa Pearce MP**

**Jennifer Smith** - Chair, National Union of British Sign Language Interpreters (NUBSLI)

**Linda Burnip** - Co-Founder, Disabled People Against Cuts

**Dr Terry Riley OBE** – Chair, British Deaf Association (BDA)

**Jenny Sealey MBE** - CEO/Artistic Director Graeae Theatre Company

**Nicky Evans** - Co-Founder, Stop Changes To Access To Work Campaign

**Geraldine O'Halloran** - Inclusion London  
John McDonnell MP

**Ronnie Draper** - General Secretary, Bakers' Food and Allied Workers Union  
Grahame Morris MP

**Michael Meacher MP**

**Sir Gerald Kaufman MP**

**Rosie Cooper MP**

**Richard Wilson OBE** – Graeae Patron

**Dame Harriet Walter DBE**- Actor/Graeae Patron

**Ian Hodson** - National President, Bakers', Food and Allied Workers Union

**Jane Aitchison** - Joint National Secretary, Unite the Resistance

**Mandy Brown** - UCU NEC, Branch Secretary Lambeth College

**Helen Davies** - Branch Chair Barnet UNISON and Social Worker

**Sean Vernell** - UCU

**Roger Lewis** - Lambeth Unison Equalities Officer (PC)

**Tim O'Dell** - UNISON

**Mark Dunk** - Unite the Resistance

**Lesley Weatherson** - Association of Lipspeakers

**Vikki Bridson-Vice** - Steering Committee, Visual Language Professionals

**Alison Bryan** - Chair, Deaf Access Cymru

**Georgina Sullivan** - Association of Notetaking Professionals

**Julia Jacobie** - AVSTTR

**Eileen R. Ford and Amelia Naranjo** - National Union of Professional Interpreters and Translators (NUPIT)

**Debbie Jolly** - Co-Founder, Disabled People Against Cuts

**Paula Peters** - Chair, Bromley Disabled People against Cuts

**Ellen Clifford**- Lewisham Disabled People Against Cuts

**Bob Ellard** – National Steering Committee, Disabled People Against Cuts

**Roger Lewis**, National Steering Committee, Disabled People Against Cuts

**Anita Bellows** - National Steering committee, Disabled People Against Cuts

**Peter Llewellyn-Jones** - Programme Director, Postgraduate Training for Interpreting and Translation Studies

\*Over 1000 signatures collected. Read the full list here: <https://www.nubsl.com/wp-content/uploads/2016/01/open-letter-to-francis-maude-scrap-the-framework-1.pdf>

Limping Chicken, the Deaf blog report this: <http://limpingchicken.com/2015/03/03/over-1000-people-sign-open-letter-to-francis-maude-mp-asking-to-scrap-the-national-framework-agreement/>

## Appendix 3:

### NUBSLI Article: My Experience of a multiple-bookings day

I gave this a try. Twice.

#### Day one

Agency X booked me for a whole day paying me a full day fee and I was asked to do four NHS bookings. All at the same location. I arrived for the first booking only to find that the clinic appointments were overrunning by an hour. The appointment was expected to be short. It wasn't. The client needed some very strong medication and the administration of this needed to be explained very carefully as if taken incorrectly, it would cause serious harm.

I left the clinic and went to the pharmacy with the patient who was understandably quite anxious. The wait at the pharmacy was expected to be over 45 minutes (this was a good day!). I was about to call Agency X to explain the situation, when they called me. They told me they had spoken to the clinic and were aware I had left. They wanted to know why I wasn't at the second appointment yet. I explained the situation but I was asked to leave the patient in the pharmacy. I refused. It would have been highly unethical to leave some-one to collect strong medication without knowing how and when to take it. I never made it to the second booking.

The third booking was due to start 30 minutes after I finally finished the first booking. There was no opportunity to have a proper break as I had to use that time finding a different department within the hospital and arriving in good time before the patient's allocated appointment. The next two appointments were straight forward, but again, both clinics had long waiting times. With appointments

running back to back in this way I did not stop work-ing throughout the whole day, and with no space to reflect on the emotion of each assignment, I felt mentally exhausted.

#### Day two

Having put the first day down as an unlucky experience, I was there to go through a surgical procedure and get consent. The operation wouldn't be until the next day. Again I was booked for multiple appointments.

When I arrived the patient was on a ward in distress. They hadn't known what was going on and were scared. I was told I could sit in the staff room until the surgeon arrived but obviously wasn't going to do this and sat and chatted to the patient to reassure them. Unfortunately the surgeon had been called to an emergency and would be delayed. Again, I was placed in a difficult situation.

I called the agency and explained that I was being asked to stay on the ward as I would be needed when the surgeon became available. They suggested I give my phone number to the ward and ask them to call me. However, I explained that this wasn't possible as I couldn't leave mid-way through another persons appointment! The surgeon finally arrived one hour after I was due to finish work for the day, resulting in being unable to interpret the two other scheduled appointments.

These are just two occasions and I could write about many others.

Health appointments can't be rushed. There is too much risk involved and Deaf patients deserve a quality service. They won't get this when interpreters are clock watching and worried about getting to the next appointment.

Appendix

Endorsed by:

Unite the Union

Inclusion London

DPAC

StopChanges2AtW



# National Framework Agreements: A DOSSIER OF DISGRACE

