

INTERPRETERS AND TRANSLATORS PROCEDURE



1.1 Procedure

This procedure accompanies the Policy for Interpreters and translators. It sets out clear guidance for dealing effectively with all linguistic issues, including the requirements to provide interpreters in support victims, witnesses and suspects. It provides for Welsh language services and British Sign Language services as well as foreign language needs.

It is to be noted that the terms 'interpreter' and 'translator' are used in accordance with the nationally recognised linguistic meanings as follows:

An interpreter is someone who converts the spoken word from one language to another orally or through sign language.

A translator is someone who converts the written word from one language to another in written form.

The procedure is not just for foreign language interpreters but also for Welsh language translations/interpretation and for British Sign Language and other facilities to assist communication with the d/Deaf.

When the need for a translator or interpreter is identified Gwent Police officers and staff will secure that service through the Wales Interpretation and Translation Service (WITS) by telephoning 01633 245300.

WITS is a partnership of police forces, health services and local councils.

WITS maintains an accurate list of interpreters and translators who have been:

- (a) properly security vetted by the Standards Department, and;
- (b) tested in their linguistic ability, and;

trained in respect of techniques and professional code of conduct.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE

1.2.1 Responsibility for engaging an interpreter.

The Police Service, in common with other agencies in the Criminal Justice System, has agreed arrangements and protocols for the booking of interpreters. The police will usually be responsible for booking interpreters through WITS in the following circumstances: -

- when interviewing suspects, victims or witnesses in the course of a criminal investigation;
- when booking an interpreter on behalf of UK Borders Agency for a person detained at a police station for immigration offences, (always advise the interpreter that fees will be payable by UK Borders Agency and not the Police.)
- when a person is charged with an offence and detained by police for a magistrates' court hearing the following day, over a weekend or Bank holiday, or where the defendant will first appear in court within two working days (not including Saturdays) of charge, whether or not that person is held in custody or is released on bail. NB for all these court bookings staff will telephone 0800 4961508 to book an interpreter via ALS (the HMCTS' contracted supplier).

1.2.2 Information to be passed to the CPS

Where the responsibility for booking interpreters does not lie with the police (i.e. for court cases bailed more than two working days hence), the police must supply the below information to the CPS:

On the MG4 Charge sheet, (produced by NSPIS custody computer):

- The language and name of any interpreter required for the defendant. (Filled in when the charge is prepared on NSPIS)

On the MG6 Information to Prosecutor Form:

- The fact that an interpreter will be required by CPS for witness(es), including the language(s) required.
- That an interpreter will be required by the court for a defendant, including language(s) required.
- The name of the interpreter used at the police station, to the CPS and to the court, to avoid the same interpreter being called to court in any other capacity than as a prosecution witness.

On the rear of the MG11 Witness Statement:

- The language of any interpreter used for that witness.

1.2.3 Selection of Interpreters

WITS will select appropriate interpreters to contact, after discussing the needs of the particular circumstances with the officer/ member of staff.

Where an interpreter is required as part of the legal process for prosecution wherever possible interpreters should be selected from the National Register of Public Service Interpreters, (NRPSI) or from the Directory of the Council for the Advancement of Communication with the Hearing impaired, (CACDP).

However, it will not always be possible to locate one of their interpreters who is readily available to assist with immediate matters.

1.2.4 Competency of Interpreter

WITS will select the most qualified and trained interpreter available for the situation, however, it remains incumbent upon staff to make reasonable enquiries and to satisfy themselves, where possible, that any interpreter is competent and offers skills applicable to the Criminal Justice System. A guide of relevant points to be checked with the interpreter is provided below.

Officer and staff booking interpreters should always check the following points:

- The interpreter speaks, reads and writes fluently the same language and dialect as the victim, witness or suspect, and that the interpreter is competent to interpret any specialised subject matter of the case, where appropriate;
- The witness, victim or suspect is not previously known to the interpreter in anything other than a professional capacity, and that the interpreter has no other interest in the case, whether personal, financial or commercial;
- Consideration should also be given, where appropriate, to such issues as the gender, religion, regional origins, political affiliation and cultural background of the interpreter, and that the interpreter is selected to conform with reasonable criteria set by the victim, witness or suspect, if such preferences are indicated;

1.2.5 Telephone Interpreting

Where interpreting is urgently required (e.g. by patrolling officers; station enquiry clerks; or control room staff) it will be suitable to engage telephone interpreter services.

Telephone interpreter services can also be used in custody situations for any procedural matters (such as rights and entitlements and booking in procedure etc), but it is not suitable for evidential matters.

Gwent Police will retain a contract with a supplier of telephone interpreting service – currently Language Line to facilitate this service.

In exceptional circumstances, such as to urgently conduct a breath test procedure, WITS will arrange for telephone interpreting with a local interpreter, who would be able to attend court later if so required.

1.2.6 Provisions for all interpreters

Upon arrival at the Police Station the interpreter should be isolated from other members of the public, in particular persons who may be connected with the case in which he/she will act as interpreter. ID checks should be discreet so as not to compromise the interpreter's personal safety. WITS interpreters should be able to produce their photo ID card.

Under no circumstances should an interpreter be placed in a compromising position, such as being left alone with the detained person. Prior to the interview consult the interpreter on acoustics and appropriate seating arrangements – the interpreter must be able to hear/see and communicate effectively. Give the interpreter advance notice/sight of any complex or unusual vocabulary or concepts – the opportunity to prepare for a case is important. If documents are to be read out in full, consider providing a copy, or at least giving the interpreter timely sight of the document beforehand.

During any interview, the officer should address their questions to the detained person/witness, and not the interpreter.

Remember that interpreters are often professional people with advanced linguistic skills and qualifications, and they should be treated accordingly. Without their expertise, communication with the non-English speaking public would be virtually impossible. During lengthy interviews of suspects or witnesses, Police Officers should ensure a break is given, where possible, every hour, to allow the interpreter a short period of rest and any necessary refreshment.

Guidance in interpreting procedure relative to specific processes is set out below.

1.2.7 Witness Statements

The declaration at the top of the MG11, must be written out by the interpreter in the relevant language, signed by the person making the statement (not the interpreter) and the signature witnessed. The person witnessing the signature will normally be the interpreter.

The officer will then gather the witness' evidence in the usual manner by questioning the witness through the interpreter. The interpreter should then write down the statement on an MG11, in the witness's own language, in the witnesses own words as guided by the officer. This record is called 'the original statement'. The role of the officer is to ensure that the statement is factually and evidentially correct.

Once the witness statement is recorded in the other language, the interpreter will make an English translation of that statement on another form MG11. This translation is an exhibit. The interpreter must then make another witness statement in which they explain how they were employed to write down the statement and produce the English translation as an exhibit.

1.2.8 Tape recorded interviews

Before the interview the officer should confirm that the interpreter is familiar with the interview introduction and closure, and the tape forms.

After the interview the interpreter should be present when the suspect is invited to sign the label which is used to seal the master tape, and translate what is written, or said, including the translation of that label.

The interpreter and the interviewing officer will then each make a written statement, in English, stating that the interview was held, giving date, time, place etc. identifying the tape, and stating that the interview was conducted through an interpreter. The interpreter should also include details of qualifications, and/or experience, as an interpreter.

If it is required, the officer will then arrange for the preparation of an English version of the Record of Taped Interview (ROTI) by the ROTI clerk.

THE INTERPRETER MUST NOT BE GIVEN THE WORKING COPY OF THE TAPE, THE ONLY RECORD OF TAPED INTERVIEW, IS THE ONE PREPARED BY THE ROTI CLERK.

The ROTI clerk will return the completed ROTI and working copy of the interview tape to the OIC or ASU together with an MG11 statement of evidence exhibiting the ROTI and certifying its accuracy.

1.2.9 Provisions for the hearing impaired

There are different degrees and types of hearing impairment and different ways for communicating with the hearing impaired or those who are hard of hearing.

Possible difficulties likely to be experienced include:

- Hearing conversations at the counter of a Station/Custody Suite.
- Communicating with the Force by telephone.
- Communicating at interviews/meetings/seminars.
- Whilst on patrol, communicating with the hearing impaired community.

Always ask the person how they prefer to communicate, and to help you find and book interpreters or other support in advance. For interviews and meetings, use a qualified sign language interpreter booked through WITS, not someone who just knows a little sign language.

If you use a sign language interpreter, speak to the individual, not to the interpreter.

You might also need lip-speakers, (trained to speak in a way which lip-readers will find easy to understand), or palantype operators (speed-text communicators, using laptops or a larger screen) to help you to communicate.

It is important in meetings or gatherings, to speak one at a time. Written or visual information might help you present complicated issues.

Make sure a hearing impaired person is looking at you before you start speaking; a gentle touch on the shoulder or arm will capture their attention.

Keep background noise as low as possible.

Never shout.

Check regularly that you have been understood.

Tell people when you are changing the subject and give people notes before a meeting - stick to the agenda.

1.2.10 Meeting the needs of people who are hearing impaired and visually impaired

'Deaf blindness' is a combination of hearing and sight impairments, but hearing impaired, visually impaired people, are not always 'completely' hearing impaired and visually impaired. In fact, most hearing impaired visually impaired people do have some residual hearing or sight or both. So the advice provided in the sections on people with impaired vision or hearing may also apply. In addition:

- Let the person know you are there: approach from the front and touch the person lightly on the arm or shoulder to attract their attention.

- Many hearing impaired visually impaired people need to be guided; different people like to be guided in different ways: Some hearing impaired visually impaired people experience poor balance.

- Do not grab or propel or pull a person - let them know you are offering to escort them by guiding their hand to your elbow.

Communication methods used by hearing impaired visually impaired people can include the following:

- Lip-reading.

- Writing notes.

- Sign language, which an especially skilled interpreter might adapt for the person.

- Block alphabet: this is where you use your forefinger to write words on the palm of the hearing impaired visually impaired person's hand - use the whole palm and write in clear capital letters.

- 'Deaf blind' manual alphabet.

1.2.11 Meeting the needs of people with speech difficulties

Always pay attention to a person with speech difficulties; be patient and be encouraging - do not interrupt or finish sentences. Slowness or impaired speech has nothing to do with someone's intelligence. If you need information, break down your questions to deal with individual points. Do not pretend to understand if you have not.

1.2.12 Good practice when working with the Hearing impaired

- Asking the witness how they prefer to communicate - eg. not all hearing impaired people can sign; subtitling is helpful for some, but not for all; some lip read, others do not etc.

- Checking, in advance, that the interpreter and witness can understand each other when signing - British Sign Language (BSL) has both regional and social variations. A signer from eg. Wales might not be able to understand properly a signer from the North of England.

- Checking how any written statement from a hearing impaired person was obtained - was it derived from signing or lip-reading? If he/she was given it to read over, what are his/her literacy skills? What verification was made to check he/she truly adopted the statement being put forward as his/hers?

- Video recording any statement from, or interview with a signing person, whether at the police station or in court .

Video recording is the only original version of the signing person's message - the only true record of what the person actually conveyed. Without the video, there is no original with which to compare. This disadvantages a person who signs. Currently, in the majority of cases involving people who sign, there is no video and so, no "original".

1.2.13 Video Recording of hearing impaired people

The Interpreters Working Group (IWG) has identified a potential problem in respect of the interviewing of hearing impaired people. The only way there can be a valid original copy of an interview with such persons, is if the actions of both the person being interviewed and the signing interpreter are simultaneously recorded on video. The video should also record the voice of the interviewer who could be off screen. To be an effective and complete record, the video must clearly show the face, hands and upper body of both persons signing, otherwise, only part of the message is being conveyed.

1.2.14 Interpreters for the Defence

Where a defence solicitor requires an interpreter to facilitate advice between the solicitor and client then a different interpreter **MUST** be employed from that being used by the police for prosecution purposes.

- The interpreter employed by the defence **MAY** be engaged through WITS, but costs are payable by the defence under the legal advice at police stations scheme, provided the expense is reasonably incurred and reasonable in amount. Officers and staff must advise WITS that the interpreter is required for the defence.
- If defence solicitors are unclear about these provisions they should contact the Legal Services Commission regional office, tel.029 2064 7100.
- Where a solicitor declines or refuses to pay for an interpreter, then they can use the police- employed, prosecution interpreter, but this use is restricted so that the interpreter cannot be used to facilitate consultation between solicitor and client. (The reason for this is that the police interpreter is a prosecution witness).

1.2.15 UK Borders Agency Cases

When dealing with detainees solely on behalf of the UK Borders Agency, officers should bear in mind the following:-

They are not technically 'P.A.C.E. detainee's', custody staff will provide the same rights and entitlements to persons detained on behalf of the UK Borders Agency as would be provided for police detainees', whenever possible.

- UK Borders Agency Staff will usually be ready to commence interview as soon as they arrive at the police station. Therefore, when liaising with Immigration, the Custody Staff should establish a pre-arranged time for an interpreter, appropriate adult and solicitor to be present for interview, and make the necessary arrangements.
- When booking an interpreter on behalf of the UK Borders Agency, always advise WITS that the interpreter is required by UKBA.
- If a taped interview has been solely for the UK Borders Agency matters then both copies of the tape can be handed over to them.
- Bear in mind that where a detainee is under 18 years old, UK Borders Agency will not seek to detain them after interview. Therefore if the person is of no fixed abode, the Custody Officer should commence making accommodation arrangements as soon as possible, preferably before 1700 hours. Assistance can be sought from Welsh Refugee Council, (contact details available on the internet.)

1.2.16 Payment

WITS interpreters will carry with them a claim form. Officers should check that the form has been accurately completed before signing it. It should clearly indicate the following information:

- travelling time
- the time engaged on interpreting duties or the number of words of translations
- any travelling or other reasonable expenses incurred

The interpreter is responsible for submitting the claim form to WITS.

1.2.17 Identification and Recruitment of New Interpreters

If any member of staff is made aware of any individual who wishes to assist Gwent Police with the provision of interpreter services, then they should pass that person's name and contact details to WITS, at Caerphilly Police Station

1.2.18 Quality Control

As a means of ensuring standards, a simple quality control pro forma may be sent to the officer in the case by WITS staff. This is to be completed and returned to the WITS. The information provided will be used to monitor and to re-grade interpreters as necessary. This will ensure that those with proven qualities are more likely to be graded higher and therefore selected in future.

1.2.19 Welsh Written Translation Requirements

Welsh language written translation is also available through WITS.

1.2.20 Complaints against Interpreters

Any complaints concerning interpreters should be referred to WITS in writing. WITS will investigate complaints and may issue warnings or suspensions of interpreters accordingly.

2.0 Legal Requirement for Interpreters

There is a legal requirement for you to engage the services of an interpreter in the following circumstances:

The PACE Codes of Practice dictate that a person must not be interviewed in the absence of an interpreter if:

- He/she has difficulty understanding English; and
- The interviewing officer cannot speak the person's own language; and
- The person wishes an interpreter to be present.

(For the exceptions to the above see 13.2 of Code C, Codes of Practice).

If a person appears to be hearing impaired or there is doubt about their hearing or speaking ability, they must not be interviewed without an appropriate interpreter unless they agree in writing. The same rule applies if it is the appropriate adult who appears to be hearing impaired.

In addition in Wales we have a legal obligation under the Welsh Language Act 1993 to provide public services to our citizens in Welsh, in accordance with their own choice. The Act requires that the Welsh and English languages are treated on an equal basis.

We are also governed by other legislation that affects how we provide our services:

1. The Disability Discrimination Acts 1995 and 2005 - require that citizens are treated fairly regardless of any disability they may have, e.g. deafness or blindness.
2. The Race Relations Acts 1976 and 2000 - require that citizens are treated fairly in accordance with their own particular language needs.
3. The Human Rights Act 1998 – specifically includes clauses to ensure an individual is provided with information in a language they understand.

3.0 Human Rights Certification of Compliance

The procedure has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

4.0 Compliance with The Welsh Language Scheme

This procedure aims to comply with the organisations Welsh language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

5.0 Risk Assessment and health and safety Considerations

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

6.0 Procedure Identification Section

Procedure Title: Interpreters and Translators

Reference: 519/1 b issue 3

ACPO Lead: ACC

Service Area Owner: Response

Department Responsible: Custody

Links to other Policies/Procedure: Health and Safety Policy, Equal Opportunities Policy, Information Security, Data Protection, Fairness at Work, Disciplinary / Misconduct Procedures.

Procedure Implementation Date: reviewed 6th May 2010 Reviewed April 2012

Procedure Review Date: two years following last review