atc

ASSOCIATION OF TRANSLATION COMPANIES

LANGUAGE SERVICE PROVIDERS

Recommendations for the future procurement of language services in the public sector

1. Executive Summary

THE public sector is one of the largest users of language services in the UK, expending considerable public money for what is an essential service for millions of people.

However, having conducted an in-depth survey of its members*, the Association of Translation Companies (ATC) believes that the procurement of language services is in urgent need of an overhaul. The government has a legal responsibility to ensure fair access to its public services so any failure to ensure such access to people who may not speak English leaves it open to serious criticism at a fundamental human rights level. In particular, the lessons from the fallout from the Ministry of Justice procurement in 2011 have not been absorbed by those procuring language services across the public sector and many areas still need major improvement.

The ATC does not underestimate the challenges that the public sector faces to reduce costs where it can, to find efficiencies in the way it operates, while at the same time improving the quality of service provision. It is in the spirit of increasing quality and value for money that this report has been drafted and the ATC is committed to supporting the government in its agenda to get the best value for the taxpayer.

This report has been compiled in consultation with its member companies through a combination of confidential written submissions and face-to-face interviews. It has been built on their direct experiences of having worked with the public sector for many years and includes the views of both large and small suppliers.

A near unanimous view is that the procurement of language services is treated too much as a **commodity** with insufficient understanding of how to assess and monitor quality of service. There is a preeminent over-focus by procurers on the cost of service, with a disconnect in understanding of the quality that can be provided under any agreed budget.

We are facing a critical shortage of skilled language professionals willing to work in the public sector because of failure to recognise the high level of expertise and years of training required to deliver a quality service. The public sector's misguided application of its vast purchasing leverage is seriously distorting the language market and the government should have real concerns for the future ability of the industry to meet the government's, and industry's, language service requirements.

Public sector procurement remains the largest single element of the UK language market. However, its focus on driving down costs at the expense of quality has resulted in many companies, particularly SMEs, struggling to break even when servicing public sector accounts. The result is that providers are increasingly walking away from public sector opportunities, seriously impacting not only the UK Government's ambition to place 25 per cent of public sector contracts with SMEs by the end of 2015, but commissioners' ability to access the fullest range of effective, quality language services.

The key recommendation of this report is therefore the need for the public sector to reconnect service quality with the cost of delivery of that service. All other recommendations in the report feed into this central issue.

The survey included members currently delivering on public sector language service contracts

1. The citizen-centric approach

UNAVOIDABLY procurers in the public sector are generalists rather than specialists when it comes to understanding the services they are procuring. This can therefore lead to a lack of understanding of language needs and may encourage procurers to use an existing service as a benchmark for a tendering process designed to shave off costs without genuinely assessing the needs of the ultimate service user.

A significant factor in this process is that few public sector organisations have a language procurement strategy in place.

Language requirements tend therefore to be driven by the immediate communication needs of an organisation rather than being genuinely **citizen-centric.**

For example, language services available to the NHS focus only on the provision of an interpreter during a consultation to assist a doctor to communicate effectively with the patient. However, follow-up letters notifying the patient of further appointments or requesting contact details are often not considered, damaging patient outcomes.

Similarly, in the justice system language support needs can begin in the police station, continue into the court service and victim support in the community may include accessing medical services. Only by properly addressing the end-to-end service user need - public sector and citizen - can the government's language strategy succeed.

> **Recommendation 1**
>
> It is recommended that procurers adopt a citizen-centric approach. This will help dismantle the silos within public sector organisations, accessed by citizens with different language requirements.

2. Language Needs Assessment

TO achieve a successful tender outcome that meets service users' needs appropriately, key questions must be considered. These need to be informed by a robust language strategy.

Language Needs Assessment - key questions to answer

- Is there a case for the development of shared services?

- What are the total verbal and written interactions that the service user could potentially require?

- What outcome does the service user need from each of these linguistic interactions?

- What information needs to be communicated to public sector workers?

- What are the demographics of the area where language services are required?

- What language mapping has been completed?

- How experienced are public sector employees in working with language professionals, and what training is provided to optimise this cooperation?

- What are the costs to the public purse of NOT providing satisfactory language services (for example through failed appointments, miscommunication, misunderstanding and possible litigation)?

- Does any agreed Service Level Agreement allow adequate flexibility for language providers to adapt services for local need?

> **Recommendation 2**
>
> For procurers to fully understand end user requirements, it is recommended that they work using a robust language strategy. This should be developed with the support of the involved frontline service deliverers and service users.

3. Community language audits

TOO often, little consideration is given to the languages actually being used in a local community. One ATC member reported in the survey being asked to report on whether they could provide language services in Latin!

To reduce wasted effort from procuring language capabilities that in reality are not needed, good understanding of the languages required in the delivery of a contract is essential, particularly for those languages defined as 'rare', which are always difficult to source.

Evidence suggests that such assessment, if any, is frequently rushed and poorly understood. Additionally many language providers report that the procurement of language services is often undertaken 'on the quiet' for fear of causing controversy over how taxpayers' money is being spent.

Recommendation 3

It is recommended that in assessing needs, procurers should conduct a language audit of the community for which the services are intended.

4. Training and development for public sector staff procuring language services

THE more frontline staff understand how interpreting and translating services are delivered, the greater the likelihood of properly understanding the language communication needs of the the service user, both public sector and citizen.

Recommendation 4

The assessment process should also include understanding the level of training and development required for public sector staff on working with language professionals.

5. Local or national procurement of language services?

IN recent years the government has devolved some procurement decisions to the local level – for example in giving GPs commissioning responsibilities – and in other areas have centralised contracts, as is the case with the Ministry of Justice.

While procuring at the national level may increase the complexity of assessing a local language service need, it may also simplify the supplier/customer relationship and ensure a tighter control on costs. Another key advantage of procuring at a national level is the opportunity to obtain an enhanced view of cross-organisational needs. It can be too easy for the local procurement of language services to only consider their local organisation without taking a more holistic approach to a citizen's language support requirement when engaging with the public .

At the same time, variability will exist in the languages required. Rare languages will have fewer qualified interpreters available which will affect the ability of a language provider to meet demand.

Another local factor to consider for interpreters are the locations that they will be required to attend. More **remote and rural areas** create certain travel complications which can dramatically impact the availability of interpreters.

Furthermore, less populated areas of the country will more likely have fewer interpreters living in the area particularly for rarer languages.

A key advantage of procuring at a local level is that service users will benefit from local knowledge and provider networks, improving accessibility and frequently reducing costs through shorter travel distances on a day-to-day basis.

Recommendation 5

It is recommended that any nationally agreed contract allows adequate local flexibility. As a rule, the larger the scope of the services being procured, the more flexibility is needed for the contract to reflect local circumstances.

6. Evaluating Language Service Providers and language professionals

AFTER establishing the language service requirements, procurers need to develop comprehensive assessment criteria to evaluate potential LSPs, based on two broad criteria:

• the quality of service provided by interpreters or translators conducting the work

• the operational effectiveness of the LSP to deliver the overall service.

Recommendation 6

Procurers should develop a comprehensive matrix to evaluate the capabilities of LSPs offering their services.

6.1 Evaluation of language service professionals

FEEDBACK from the market indicates that many procurers fail to understand that virtually all interpreters and translators, work on a freelance basis.

Employment law insists on a clear separation between freelancers and the companies to whom they contract their services. Anything that suggests that freelancers are operating as employees will result in a challenge from HM Revenue and Customs as to the true employment status of the translator or interpreter.

Essential to this is the development of an understanding of the assessment process of translators and interpreters used by the LSP, including the use of qualifications and experience (the number of hours working as a language professional) as the two best indicators of the quality of service provided by the language professional.

Recommendation 7

Procurers must focus their evaluations of the quality of service delivery by first understanding the relationship between LSP companies and their freelance suppliers.

THE ATC believes there are minimum standards and qualifications an LSP should be using when assessing whether their freelance suppliers are fit to undertake work in the public sector and procurers should have evidence that these are being applied by LSPs.

Below is an example for what should apply in justice settings, other standards and qualifications may apply in different public sector settings, such as local government and the NHS.

The minimum standards required in the qualifications and experience of interpreters and translators can be summarised as follows:

Foreign language interpreters and translators in the justice system must have one of the following academic qualifications:

• CIoL Diploma in Public Service Interpreting (DPSI) or Community Interpreting Certificate

• Metropolitan Police Test (post 1997)

• Honours Degree level interpreting

• Honours Degree level translation

• CIoL CCI (forerunner of DPSI)

• Diploma in Translation (DipTrans)

Rare language interpreters and translators in the justice system must have:

• Cambridge Proficiency in English certificate

• Evidence of continuing professional development

• 100 hours of public sector interpretation

d/Deaf interpreters in the justice system must have:

• British Sign Language - CACDP Level 6 NVQ in Interpreting (BSL/English) plus Level 4 NVQ in BSL or a university SL module mapped at this level for registration purposes

• Lip speaking - CACDP Level 3 Certificate

• Speech to Text Reporters – CACDP Level 3 Certificate

• Deafblind manual interpreters – CACDP Level 3 Certificate.

Complete transparency is a prerequisite to driving up standards and to re-establishing a link between cost and quality of service.

Recommendation 8

The ATC recommends that procurers specify that LSPs use a four-tier system for the deployment of interpreters. This is in line with the majority of public sector practices. [1]

---

[1] See Appendix for explanation of current standards

6.2 National Register of Public Service Interpreters (NRPSI)

The NRPSI is a voluntary registration service for those interpreting for the public sector. All registered interpreters must meet standards for education, training and experience and there are currently approximately 2,000 registered interpreters on the database.

Demand for interpreters in the UK public sector outstrips the numbers who are registered on the NRPSI database and there are many more than 2,000 interpreters working in the public sector in the UK.

It is therefore important that procurers are realistic about insisting that all interpreters used in a contract are NRPSI registered, particularly for rare languages

and in instances when interpreters will be working in more remote parts of the country. What is critical is that procurers conduct due diligence on how a language provider assesses the capabilities of its interpreting contractors.

> **Recommendation 9**
>
> While an NRPSI registered interpreter is preferable, it should not be considered a prerequisite

6.3 Due diligence – check before awarding contract

Thorough due diligence checks are critically important, but surprisingly rarely carried out in practice.

> **Recommendation 10**
>
> The ATC recommends that a full evidence-based assessment of every shortlisted LSP is undertaken. Site visits are essential to assess all shortlisted providers.

6.4 Credit checks

It may sound like a basic and obvious action, but it is essential for procurers to know that a potential LSP partner is financially sound, able to manage contracts and keep its supply chain paid in a timely fashion.

> **Recommendation 11**
>
> A credit check should be carried out on all shortlisted LSPs to assess the risks of awarding any contract.

6.5 Proof of experience

Using the language strategy (see Recommendation 2) Procurers must critically examine an LSP's track record of delivering in different public sector settings, and, because of their often complex nature, assure themselves that it has the necessary infrastructure to deliver effectively.

> **Recommendation 12**
>
> LSPs must be rigorously assessed for their ability to deliver language services in line with the language strategy for the end-user organisation.

6.6 IT capabilities

A robust and tested IT infrastructure is an essential component for any LSP seeking to service demanding public sector language contracts. However, our research revealed that full assessments are rare and LSPs are seldom audited for the strength of their IT setup, their back-up systems and disaster recovery procedures.

> **Recommendation 13**
>
> Procurers must carefully evaluate the effectiveness, robustness and scalability of an LSP's IT infrastructure to assess whether it can meet the demands of the contract.

6.7 Data security

The nature of the overwhelming majority, if not all, public sector work means that data security is essential so procurers must check that an LSP has robust measures in place before awarding any contract. Our research shows that procurers rarely investigate this vital issue.

> **Recommendation 14**
>
> Procurers must ensure that an LSP has the same rigorous approach to data security as public sector organisations.

6.8 24-hour capabilities

Nearly all public sector procurers will include a requirement for an out of normal working hours language service. Many language providers however do not offer a genuine 24/7 service where the required language professionals are available and easily contactable.

> **Recommendation 15**
>
> A detailed assessment of the capability of an LSP to deliver a 24/7 service must be made before a contract is awarded.

6.9 International Standards for language services

Assessing potential providers can be greatly simplified by using internationally recognized standards as a guide. Translation and interpreting are two very separate skills and require different assessments of quality. Each has its own international standard providing an excellent framework for procurers to understand how to ascertain the needs of public sector organisations and the criteria by which potential providers can be assessed for suitability.

The ATC encourages all of its members to become accredited under the relevant international standards.

> **Recommendation 16**
>
> Procurers should consider awarding contracts to companies working to recognized standards, such as BS EN15038 and the newer ISO standards, as these provide a useful pointer to both the quality of services to be delivered and the robustness of the procedures being applied within an LSP.[2]

7. Availability of language professionals

THERE needs to be more realistic understanding about the on-call availability of language professionals. For example there is a serious shortfall in the availability of interpreters. Yet interpreting services are often required at specific times and demand cannot be managed in the same way as for translation services.

> **Recommendation 17**
>
> Procurers need to have realistic expectations about the availability of language professionals and LSPs need to be clear about what is possible when responding to a tender and not over-promise.

---

[2] See Appendix for explanation of current standards

8. Performance management

THE requirements for every language services contract will differ so there is no one size fits all monitoring process. However, the base for establishing a monitoring system should always be the language strategy of the organisation using the services.

Recommendation 18

An LSP should be expected to develop its own plan that clearly sets out in detail how it intends to meet the needs of the public sector organisations it is supplying. For transparency, this should be shared with the service procurer.

The LSP's service plan should include all key deliverables, which will then form the basis of performance indicators against which the contract will be measured.

By mapping performance against each point of service delivery on the service user's journey, it will be possible to identify common themes in performance and isolate areas of weakness for improvement. For example, an LSP could be consistently providing a good interpreting service for

GP surgeries but may not however be able to maintain this when the patient passes over to other care provision.

Recommendation 19

Ongoing performance review should be the norm, with regular feedback to the LSP.

In addition to ongoing performance review there needs to be scheduled formal review of delivery performance against Key Performance Indicators to ensure that the LSP is meeting the contract requirements.

Recommendation 20

The ATC also recommends that a more formal performance review is conducted every six months against agreed KPIs.

Any provider needs to have some certainty about the duration of a contract - especially where major investment may be necessary for successful delivery of the public service contract.

Recommendation 21

Three-year contracts should be the norm with a one-year extension rewarded for good performance. This not only gives time for an LSP to establish and then deliver services but also to correct any problems that may occur.

8.1 Service Level Agreements

Service Level Agreements (SLAs) are an essential mechanism for monitoring service standards and managing expectations. However both procurers and LSPs need to be realistic about what is deliverable and what can be monitored economically. In the survey conducted for this paper, ATC members reported instances of requests for data which were then not used in a meaningful way.

Recommendation 22

It is imperative that realistic indicators are agreed both in terms of what is achievable and what will actually be monitored.

8.2 Feedback from providers and service users of interpreting services

The focus for feedback should be the citizen and whether they feel that their needs have been met. Currently, in nearly all situations public sector workers deliver feedback, which inevitably distorts analysis and masks the genuine performance of service delivery. While the insights gained from this feedback are useful, they are not citizen-centred and therefore one step removed from actual service users.

Obtaining paper-based feedback is expensive and will require unnecessary expenditure on bureaucracy. The ATC believes this can be achieved cost-effectively by using modern technology, such as an App, that can be localized to meet the language needs of the citizen. Government could work with language industry bodies to develop this practical tool.

The questions to citizens should be qualitative and quantitative and should include:

- Whether the interpreter was punctual, dressed appropriately and adopted a positive and polite attitude
- Whether the communication was clear
- Whether the interpreter demonstrated due understanding of any cultural sensitivities
- Overall rating from the member of the public as to performance
- Overall rating from the public sector worker on performance.

Recommendation 23

It is recommended that an App is developed to facilitate feedback from both public sector workers and the citizens for whom language services are being provided.

8.3 Monitoring translations

Over-monitoring is not practical or necessary if procurers have followed guidance in carefully selecting their LSP partners. However, there does need to be some periodic third party assessment of translated documentation to ensure citizen's needs are being met.

Recommendation 24

There should be spot-check reviews of documents by third party translators combined with feedback from the end-user citizen on whether their language needs were met by the translated documents provided to them.

8.4 Monitoring LSP performance

Language Service Providers accredited to ISO standards 13611, 17100 or BS EN 15038 should all have quality assurance processes in place, against which monitoring should be undertaken.

If due diligence has been conducted during the procurement process then monitoring company performance can be light touch and focus on whether:

- The LSP is meeting agreed key performance measures
- The citizen and public sector worker are satisfied with the service

- The LSP is able to provide the number of linguists required to meet demand
- The LSP is able to source and deploy suitably skilled and qualified linguists to an agreed timeframe.

Recommendation 25

Where possible monitoring performance should be against recognised standards, be light-touch, but ensure the LSP is meeting agreed KPIs.

9. Knowledge sharing

PUBLIC sector procurement tends to use a "one size fits all" approach to services that is generally incompatible with the specialist language services industry, and tends to start from scratch in each tendering process, duplicating many of the same basic questions. This creates unnecessary barriers for many language providers that could easily be removed.

There is a need to disseminate information across the public sector to share best practice and to avoid duplication. This will facilitate the development of better and more appropriate procurement processes.

Recommendation 26

A language procurement knowledge hub should be created to ensure best practice is applied locally and nationally before procurers conduct their own needs assessment and go out to tender.

Many language providers have been accepted onto public sector framework agreements and procurers could save considerable time and expense by sourcing basic information about those LSPs held on the frameworks.

Similarly, suppliers should be able to place the core information required during a tendering process in one place that can be easily accessed by procurers as needed. This will also allow LSPs to update it periodically as their capabilities change.

Recommendation 27

Procurers access information about LSPs held as part of existing frameworks and LSPs are given the ability to update their own information as their capabilities change.

10. Single base template for language service tender documents

AS part of knowledge sharing, a new base tender document should be developed to then be tailored to the specific procurement needs of a tender. Rather than using more general procurement templates, procurers need a starting point that is closer to the specific needs of a successful language tender process. A final document would need to be completed using the language strategy developed by the organisation for which the procurement is being made.

Recommendation 28

It is recommended that a new base tender document be developed for the language sector.

11. Portal to advertise language service contracts

THERE are a significant number of contracts that do not have to be announced through the Official Journal of the European Union (OJEU). These appear on multiple portals creating difficulties for LSPs to track these opportunities.

Recommendation 29

It is recommended that one portal be used for all public sector language service tenders.

Appendix I

The following is intended to classify the *minimum* qualifications and criteria of interpreters of spoken languages in order to provide choice and flexibility to commissioning organisations.

Band 4

Interpreters categorised in this class will be:

• Holders of the Diploma in Public Sector Interpreting or an equivalent qualification deemed acceptable by the Chartered Institute of Linguists and/ or the Institute of Translation and Interpreting and/ or by any other professional body in the sector.

• Able to provide documented evidence of a minimum of 400 hours experience of public sector interpreting in the United Kingdom, or equivalent experience which is acceptable to the commissioning organisation.

• Able to provide documented evidence of language specific training and/or continuing professional development within the last 12 months.

Band 3

Interpreters categorised in this class will be:

• Holders of the Diploma in Public Sector Interpreting or an equivalent qualification deemed acceptable by the Chartered Institute of Linguists and/ or the Institute of Translation and Interpreting and/ or by any other professional body in the sector.

• Able to provide documented evidence of on-going and developing experience of public sector interpreting in the United Kingdom, but not yet having attained the 400 hours threshold, or

equivalent experience which is acceptable to the commissioning organisation.

• Able to provide documented evidence of language specific training and/ or continuing professional development within the last 12 months

Band 2

Interpreters categorised in this class will be:

• Holders of the Cambridge Proficiency in English or an equivalent qualification deemed acceptable by the Chartered Institute of Linguists and/ or the Institute of Translation and Interpreting and/ or by any other professional body, which is acceptable to any other professional body in the sector.

• Able to provide documented evidence of a minimum of 100 hours experience of public sector interpreting in the United Kingdom, or equivalent experience which is acceptable to the commissioning organisation.

• Required annually to provide documented evidence of language specific training and/ or continuing professional development within the last 12 months

Band 1

Interpreters categorised in this class will be:

• Native in a foreign language with a demonstrable command of spoken and written English, or native in English with a demonstrable command of spoken and written skills in a foreign tongue AND holders of a Diploma in Community Interpreting (or other relevant qualification).

• Able to provide documented evidence of some experience of public and/ or private sector interpreting in the United Kingdom.

Appendix II

BS EN 15038: This standard is designed to ensure a consistent quality of translation. It covers the basic requirements of the resources and processes used in the provision of services, the relationship between the language provider and the client, and the necessary procedures for translation services to be effective. It requires regular audits by the relevant national certification body and the standard will be revoked if a company subsequently fails an audit.

ISO 17100: This international standard was recently published with the expectation that it will gradually replace BS EN 15038. The two standards are very similar and both have the same objective of setting a standard of excellence through the whole translation process including core processes, resources, and other aspects necessary for the delivery of a quality translation service that meets applicable specifications.

ISO 13611 community interpreting: The standard was incorporated and published by the British Standards Institute in December 2014 and should be considered the benchmark when assessing potential suppliers of interpreting services to the public sector.

The standard sets out the competencies that an interpreter requires, including research skills, interpersonal skills and qualifications. The standard also comprehensively examines the responsibilities of companies providing interpreting services to the client.