

Prison Reform Trust response to the consultation on provision of interpretation and translation services across the justice sector

The Prison Reform Trust works to create a fair and decent prison system. We do this by looking at how prisons are working, giving information to prisoners, staff and people outside and by asking the government and officials to make changes.

We welcome the opportunity to respond to the consultation on the provision of interpretation services to the justice sector in England and Wales

We are very pleased that this is being reviewed. We hope that any new systems will also result in improved access to translation, interpretation and language services for the deaf and deaf/blind.

We note that this is a framework agreement and does not detail how the service might work operationally in prisons. It is not clear about whether any budget for the service would be centrally allocated so we assume that this would remain within an individual prison governor's remit, as at present. We assume that establishments would be able to access the prime contractor. We hope that this will be an improvement as we have concerns about the current arrangements as detailed below. However, unless the service is easily accessible and seen as good value by prison staff, the problems that foreign national prisoners face accessing the support they need and are entitled to will continue.

Our comments are focused mainly on the possible implications of the new arrangements for the prison system and difficulties with the current system.

Background

Previous Prison Reform Trust research, *Forgotten Prisoners* and *Going the Distance* <http://www.prisonreformtrust.org.uk/Portals/0/Documents/going%20the%20distance%20-%20%20foreign%20national%20prisoners.pdf> has demonstrated the unequal treatment that foreign national prisoners receive whilst in custody. These differences were exacerbated by the hub and spoke system introduced by UKBA and MOJ in 2009.

PRT's forthcoming joint research with Hibiscus, due in May 2011 details the difficulties that foreign national women are experiencing and the urgent need for reform.

In addition, we have existing concerns about foreign national prisoners' lack of access to immigration and welfare services. We hope that further provision of interpreters and translators will enable these often vulnerable prisoners to become less isolated and maintain their links with their communities

The current service is underutilised

Our concerns about the under utilisation of the service within prisons are shared within the sector and by the inspectorate. Research from the prisons inspectorate has consistently shown that the national language service has been underused. The HMIP thematic on Foreign National Prisoners explains what they had been told by staff:

1.37 On the subject of language and the closely linked issues of information and isolation staff views once again generally reflected the experiences of prisoners. They revealed an over-reliance on using other prisoners to translate, sometimes in situations where professional interpreting services would have been more appropriate. Most comments about information about the prison and over a third of comments about isolation related to language barriers and communication.

"Getting interpreters is difficult, especially in Vietnamese. I am Language Line trained, but I have been told it is too expensive – you have to get permission from the Governor to use it. This causes difficulties when dealing with confidential issues – you can't use another prisoner."

"We have booklets in different languages, but rarely give them out."

"Foreign nationals feel more isolated, staff try to put foreign nationals in the same cells as friends."

http://www.justice.gov.uk/inspectors/hmi-prisons/docs/foreign_nationals_follow-up1-rps.pdf

There are numerous individual establishment reports from the IMB and inspectorate that demonstrate that expense is a considerable deterrent for prison staff. In addition, the permissions needed to access language line acted as a deterrent.

Any interpreting service will not be effective in prisons unless it is properly resourced and staff are actively encouraged to use it.

Funding

We believe that a centralised system for accessing interpreters and translators is potentially a good effective use of resources. However, this has to be properly resourced as the existing levels of funding available for this within the prison service are too low. A robust needs assessment would demonstrate that the current service is not adequately funded. It is difficult to see how this could happen without mandatory requirements or ring fenced budgets.

Any cost savings must come from centralisation, lessening the administrative burden and economies of scale.

Prison life

There are particular examples of situations in prison where people should have automatic access to an interpreter to explain what is happening to them. These include (but are not limited to) any time in segregation, health care appointments, adjudications, categorisation and any internal prison meetings that have an impact on sentence progression

Information provision

Many prison staff individually spend time putting together standard information that could be centrally provided and adapted for individual establishments. In particular easy read information both in English and other languages should be centrally commissioned for induction and reception. Templates could be used by prison staff to complete the detail for their prison.

Literacy

The forthcoming PRT/Hibiscus research on women foreign national prisoners explains that population of female prisoners from Eastern Europe, China and Vietnam has grown. Some will not be literate in their first language and therefore reliance on translated material in language of origin is not always the solution.

Easy read

We would encourage the Ministry of Justice to use as much information as possible in easy read, irrespective of the language. This would ensure that all written material was as widely accessible as possible.

Equality Impact Assessment

We are concerned that there is no mention of using female interpreters. Interpreters need to be trained to identify the sensitive situations in which women have a right to have a female interpreter. This is a matter re-inforced by the new Bangkok rules, recently ratified by the UN, which apply to women in custody and those serving community penalties.

Protocols

Although there is no mention of protocols for disclosing information about individuals who are harming themselves or threatening to harm others, this should be part of the code of conduct for interpreters/translators.

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