

## Who is it for?

Interpreting is defined as facilitating communication between parties who do not share a common language. This is also known as '[language interpreting](#)'.

'[Community Interpreting](#)' is defined as an interpreting specialism that is used in community-based settings in order to facilitate community services. Since language barriers are often a major obstacle in community services, the role of a [community interpreter](#) is key to ensuring the successful delivery of the service.

The difference between [interpreting and community interpreting](#) is that the community interpreter will need to be able to draw upon specialist technical language that relates to the community service sector.

Examples of community service sectors are as follows:

- Medical
- Educational
- Social services
- Criminal Justice and law, including police stations, court, detention centres, lawyer's offices etc
- Housing
- Immigration
- Job centres

Each type of community service sector will have its own specific requirements and terminology. These will be linked to the service sector. For example, interpreting in an educational establishment will require knowledge of education-specific terms such as 'certificate', 'qualification', '[training](#)', 'pedagogy' etc, as well as technical terms to do with levels of education such as 'NVQ', 'Diploma', 'GCSE' etc.

The purpose of [Community Interpreting](#) is to help ensure that there is equal access for service users to community services by ensuring that language is not an obstacle to communicating and understanding.

The goal is often to achieve 'Communicative Autonomy'. This is defined as the capacity of each person in an encounter or formal interview to have responsibility for, and be in control of, his or her own communication.

Communicative Autonomy is key to ensuring an inclusive and operationally effective community service. A potential service user may

avoid a trip to the service provider because of the fear associated with not being able to be understood. This means that the service user could end up going without the treatment, advice or help that they need.

This means that a [community interpreter](#) must not only be a specialist in their service area, but will also need to be sympathetic towards the context of the relationship between user and provider.

However, the position regarding legislation is not always clear. So, in this article, we will look at the legislative stance in three key sectors, and more general best practice when it comes to interpreting.

## Legislation

### Laws requiring [interpreters](#) in Healthcare

The NHS is committed to providing a service to all patients, regardless of their needs. This is covered in [Equality of Access](#) documentation, including the Equality Act 2010. What this means in practice is that patients should be able to access primary care services in a way that ensures their language and communication requirements do not prevent them receiving the same quality of healthcare as others.

Healthcare interpreting is used for patients, their families, doctors and/or healthcare providers. Healthcare interpreters will work in hospitals, clinics, rehabilitation centres, general practices and more.

Healthcare is the most specialized and professionalised area of [community interpreting](#). This is due to the highly technical nature of medical language, and the criticality of communicating exactly the right sort of information.

The medical sector is one where the difference between 1 milligram and 0.1 milligrams could be the difference between life and death. Interpreting accurately is key to both diagnosis and treatment.

Despite this, there is no legal mandate for an interpreter to be certified in the medical sector. Nevertheless, this is a highly regulated and legislated area where the need for certification is effectively mandatory. It would be very unusual for the service provider to not ask for certification. Indeed, medical institutions are increasingly lobbying for legislation to be introduced for interpreters in their sector.

Another aspect of healthcare sector legislative requirements that interpreters need to be aware of is around professionalism, confidentiality and safeguarding. Due to the potential sensitivity of a healthcare setting, this means:

- [Interpreters](#) must be registered with an appropriate regulator
- Interpreters must undergo annual training for safeguarding of both children and adults
- Furthermore, interpreters should be trained annually in Information Governance.
- Should an interpreter handle a patient's personal data, then the [General Data Protection Regulation \(GDPR\)](#) and Data Protection Act (DPA) must be complied with
- Interpreters should be aware of the Mental Capacity Legislation
- Interpreters are only to be present during the appointment itself, and not during any clinical procedures
- Interpreters must make sure that any interaction takes place within a secure environment and cannot be overheard

## Laws requiring interpreters in Border Force and Immigration

An interpreter working in the Border Force and Immigration sector will typically be a freelancer who will have their skills assessed by the UK Visas and Immigration service (UKVI) prior to being included on a practitioner list and being accepted for an engagement.

The Border Force and Immigration sector works 24/7, therefore there is a constant need for interpreting services within and outside of office hours.

The majority of work in this sector is face to face interpreting, but there will be an occasional need for telephone interpreting. Simultaneous interpreting is a mandatory skill in this sector. An interpreter working in Border Force and Immigration will interpret between the UKVI (usually an immigration officer) and passengers arriving from many different countries.

Since this is a highly regulated area, there are restrictions on who can apply for a role. You must be either

- a full member of the National Register of Public Services Interpreters (NRPSI)

Or hold one of the below qualifications or assessments:

- Diploma in Public Services Interpreting (DPSI) (Law) or a letter of credit in all oral components (Law)
- TQUK Level 6 in Public Service Interpreting (RQF)

- IOL Qualification Diploma in Police Interpreting (DPI) Level 6
- assessed by the Asylum and Immigration Tribunal (AIT)
- assessed by the Metropolitan Police

In addition to this, you must be able to provide bank details in order to be registered. You must also be security cleared – this is a rigorous process which includes online vetting, and has strict deadlines that must be met. You may also have your work monitored by a member of the interpreter management team for training and security purposes.

## Laws requiring interpreters in the criminal justice sector

The criminal justice system includes activity taking place in police stations and the law courts.

A fundamental part of the British justice system is that everyone has the right to a fair trial. This means that the defendant must be able to understand any charges being made against them in order to be properly defended.

### Interpreters at a police station

Legislation covers the role of an interpreter at a police station. This is included in Code C of PACE – the Police and Criminal Evidence Act (1984). The act deems that a suspect must not be interviewed unless an interpreter capable of helping the suspect communicate is present. As we will see, there is a critical nature to this role.

A European Parliament directive (2010/64/EU) also must be complied with. This relates to a qualitative aspect to the interpretation: “the quality of the interpretation and translation provided shall be sufficient to safeguard the fairness of the proceedings, in particular by ensuring that suspected or accused persons have knowledge of the cases against them and are able to exercise their rights of defence.”

If and when a suspect is required to make a statement under caution, the interpreter is required to: “record the statement in the language it is made”.

### Interpreters in a court of law

#### Interpreters as a witness in a court of law

If an interpreter was involved in a police station interview, and there is some contention around the content of the interview, then an interpreter

will be required to give evidence as a witness. This obviously puts immense importance on the exact nature of what was interpreted and what was reported at the time.

### **Interpreters for a witness at a court of law**

It may be the case that a witness in a court hearing has difficulty in speaking or understanding the English language, in which case an interpreter may be required to assist. This is at the discretion of the presiding judge.

In this instance, the interpreter must be competent, or else the hearing would be adjourned. The assessment of competency will be carried out by the Crime Prosecution Service (CPS) prior to the hearing.

Additionally, the interpreter must be impartial regarding the case.

### **Interpreters for a defendant at a court of law**

A defendant cannot conduct proceedings in court in their own language if it is not English. This obviously gives rise to the need for an in-court interpreter.

Unless they were a witness, the in-court interpreter must be new to the case. They cannot have been involved in interpreting the case at any other stage, for example in the police station. They cannot be known to the defendant, nor can any of their family.

In cases where there are multiple defendants, they must each have their own interpreter.

## **Legal position**

Strictly speaking, the legal position for interpreters is that there is no legislation. Anyone can practice as long as they are meeting their client's requirements.

The commercial reality is different, however. Quality assurance for interpreters is very much industry-led; most Language Service Providers (LSPs) will insist on proof of qualification. Clients are likely to be the same, regardless of their sector. So, our advice would be to self-regulate, and ensure you have your certificate in place before looking for business. At Learn Q, we would also advocate that best practice be followed in all interventions, which is why we have produced a best-practice guide (below)

Here are some additional advantages of being certified:

- [Certification](#) is the perfect way of making you stand out from other non-certified interpreters. You will be able to refer to yourself as a Certified Interpreter. It will make you much more employable in the eyes of LSPs and clients
- Being certified will reduce the time taken to tender for business
- Regardless of the legal position, some sectors such as healthcare will probably require proof of certification
- [Certification](#) is in some cases a mandatory element of personal liability insurance; and personal liability insurance is usually mandatory when working for a language service provider
- Getting certified now will ensure that you are future-proofed if and when legislation changes
- [Certification](#) will give you instant credibility, especially when it comes to marketing yourself. It will give you an asset that you can use on your website, marketing materials or business cards
- Being certified is a great way of having your abilities checked, and of course learning new techniques along the way
- Working with a training provider such as Learn Q for your [certification](#) is also a great way to network within the sector in the hope that clients contacts can be made
- Certification is a proud moment and is to be celebrated! Learn-Q provide quality qualifications, quickly, so we will ensure that you are certified and ready to go!

Community services will often require registration on the National Register of Public Service Interpreters (NRPSI). NRPSI are an independent, voluntary public interest body and their core role is to ensure that standards within the profession are maintained for the benefit of the public, service providers and interpreters.

One final thing to be aware of is the need to have a 'clean bill of health' when it comes to the Disclosure and Barring Service (DBS) if you are working as an interpreter with vulnerable people. You can find out more about how to get a DBS check here:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

## **Skill and training progression**

As we have seen, there are no minimum legal requirements to be an interpreter. However, the commercial reality is that LSPs and clients are

likely to consider minimum requirements as follows:

- To be at least 18 years of age
- To have a high school diploma or equivalent
- To be proficient in at least two languages
- To hold a certificate for professional interpreter training (at least 40 hours)

Professional training organisations such as Learn Q have developed recognised certification programs for interpreters to ensure that you have all the knowledge and certification you need to practice community interpreting.

Learn Q are committed to driving up standards in the field of interpreting. Our opinion is that certification is a critical part of the quality assurance process, which is one reason why we promote certified qualifications in the sector.

## **Qualifications and regulators for interpreters**

### **Best practice guidelines and interpreter code of conduct**

The National Register of Public Service Interpreters launched a code of conduct in 2016. This is not a legally binding document, nor is it legislative. However, it provides a useful insight into their assessment of how the sector should be regulated. Learn Q have used this as a basis for our own best practice guide to help prospective interpreters to be work-ready.

Broadly speaking, Interpreters should:

- always act with professionalism, integrity and in good faith
- always be on time for appointments, and be appropriately attired for the context of the appointment
- carry out work within agreed timescales
- ensure that conditions for the interview are conducive to successful interpretation, for example that the room is comfortable and that all parties have the ability to see and hear each other clearly
- not approach or make contact with an interviewee unless directed
- approach assignments with absolute impartiality, and ensure that they are not colouring any dialogue with personally held views. These include any prejudice on the grounds of race, gender, sexual orientation, politics, religion, belief age or disability
- not add, omit or change anything that is said. Interpretation should be carried out truly, accurately and faithfully

- if appropriate have an awareness of the geopolitical context and culture of the countries concerned
- only accept work that they believe they are capable of delivering. Specifically this means having the linguistic capability and/ or specialist knowledge to meet the client's requirements. Should the interpreter believe that they do not possess the knowledge or skills required, they should withdraw from the assignment with immediate effect
- be aware of any dialects, accents, colloquialisms, technical terms and linguistic variations for each assignment
- not accept work in the legal sector that is likely to pose a conflict of interest. Examples of this would be if the defendant in a court case is known to the interpreter or their immediate family, or having prior knowledge of a court case
- treat the disclosure of information as confidential before, during and after an assignment unless required by law
- be aware of any specific procedures relevant to the sector within which they are working
- not interrupt, pause or intervene during interpretation unless:
  - o clarification is needed
  - o a misunderstanding may have taken place
  - o a cultural reference or inference has been missed
  - o something occurs that might impair or invalidate the interpreting process
- never accept any form of incentive or remuneration other than the fee that has been pre-agreed with the contractor.