

DOSSIER OF EVIDENCE

VOLUME 2

Capita Translation and Interpreting (TI)

(Formerly Applied Language Solutions)

Instances of failure to supply interpreters or to comply
with the Ministry of Justice contract and
Framework Agreement

Volume 2: 1st February – 31st May 2013

Volume 1 (01/02/12 – 31/01/13) is available on request

Prepared by

Background

The reports contained within this dossier describe justice sector interpreting failures from 1st February 2013. This is the second year of the Ministry of Justice's Framework Agreement and contract with Capita Translation and Interpreting (formerly Applied Language Solutions) and the variety of failures reported span the following complaints:

- Failing to supply an interpreter
- Supplying under-qualified interpreters
- Providing interpreters with no legal or criminal experience
- Providing interpreters without assessments
- Providing interpreters with inappropriate Tier allocations
- Providing interpreters without CRB checks
- Unethical practices by CapitaTI and its linguists
- Breaches of the Ministry of Justice Framework Agreement (FWA)

Evidence has been compiled from various sources including:

- Online at <http://rpsi.name/default>
- Online at <http://www.linguistlounge.org>
- Via Twitter.com
- The Professional Interpreters against MoJ outsourcing in GB [Facebook Group](#)
- Witnessed reports by public service interpreters present at court hearings
- Reports passed on by members of professional interpreters' representative bodies, including APCI, SPSI and PIA
- Reports from solicitors, barristers, judges
- Court correspondents and press articles

Further Information

If you would like any more information regarding the cases discussed within this dossier please contact:

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May 2013

31/05

Guildford Crown Court

Details:

Case listed for sentence. Prosecution & defence counsel, defendant and both complainants were all in attendance by 9.45am. However, the Arabic speaking interpreter was nowhere to be seen.

Capita sent a telephone message via a note to the judge at 10.40am. It explained that the assigned interpreter "had informed Capita last night that he would not be able to attend as he was double booked". Capita left a telephone message that it would be able to provide an interpreter for 2.30pm, some 5 hours after the due time.

The defendant was left to wait in custody. There was no explanation as to:

- i. how the double booking had occurred,
- ii. why the system did not detect it,
- iii. why Capita had waited until 10.40am the following morning to make arrangements to provide an interpreter ...

Reported by Kuljeet Singh Dobe, Barrister, Old Bailey Chambers

31/05

Gloucester Crown Court

Details: 3 Romanian nationals for adjourned PCMH. No interpreter. His Honour Judge Tabor QC was scathing in his comments about Capita.

Reported by Tim Burrows, Iacopi Palmer Solicitors LLP, Gloucester

31/05 – reported by Barrister (name withheld)

Details: I currently represent a Greek national on serious drugs charges. On four occasions (so far) no interpreter has appeared. I assisted twice but have since refused to be the paper for the cracks in the system. On the 5th occasion Capita failed to provide a Greek (not some obscure Mali dialect) interpreter and the court went direct to an independent one. Obviously the delays and aborted hearings cost more than employing an interpreter now for a whole year full time.

I can also supply details re a Turkish client (attempted murder) where the Capita interpreter had never even been to a court before, had received no training and didn't appreciate they needed to translate everything. I don't know of a single barrister who doesn't think the new system is utterly useless and that standards have fallen with either obvious delays or less obvious slower-running cases.

29/05

Birmingham Crown Court

Court 1 - sitting at 12:00 PM

THE HONOURABLE MRS JUSTICE COX DBE

Trial (Part Heard)

T20127199 KREZOLEK Mariusz 20CV0147212

LUCZAK Magdalena

20CV0147212

Case delayed as polish interpreter not provided by Capita for a child murder trial.

29/05

Guildford Crown Court

Details: Capita have failed to arrange Vietnamese interpreter for PCMH at Guildford today. Case has to be adjourned. Waste of court time/public money. Judge very angry with Capita and says he will demand a written explanation and financial penalty.

Reported by Guy Bowden (@BarristerGuy)

29/05

Leeds Magistrates Court

Details: Trial at Leeds Mags aborted due to lack of Polish interpreter. Booked last month. Defendant had come from Poland for trial; witnesses from Slough.

Reported by Sarah Greenan, Barrister (@Sarah_Zenith)

28/05

Norwich Crown Court

Details: Case: R v Morkūnas T20127248

The above case was listed at 9.30 for custody time limit (CTL) hearing. A Lithuanian interpreter (booked through Capita) should have been there for a conference at 9.00 but did not arrive until 10.30. The learned Judge did not appear to believe the explanation of the interpreter being booked for 10.30 and said enquiries would be made.

The case was called on twice but the court could not proceed as no interpreter was present. The defendant had to have a conference with the instructing solicitor in English. The solicitor, having had many hours in conference with the defendant, was able - just - to adapt to his limited vocabulary.

The explanation given by Capita was that she, the interpreter, had been booked for 10.30. No member of the Norwich CC staff would have made a booking for 10.30 as it is

established over many years that CTL hearings are at 9.30 and need to be preceded by a conference. The knock-on effect was that the trial, in which I, Defence Counsel, was committed in an adjoining court, was delayed. Under the old system there were a number of excellent Lithuanian interpreters who lived within 40 minutes of the court, were familiar with its practises, and have never, in my experience, been late.

Reported by Defence Barrister

24/05

Newport Crown Court

Details: Andrew(@Andjones1000) reports on Twitter: "Vietnamese Defendant not able to be sentenced as no interpreter arrived at court. Efficiency???"

23/05

Manchester Minshull Street Crown Court Court Room 10

Details:

Case Name: O'Reilly + 11: T20127262; T20127250; T20120479; T20127269; T20127660; T20127381; T20127253; T20120636.

Andrew Stephen O Reilly; Byron James Milne; Ceri Wilmot; Edwin Gorlee; Jason Lee Seale; Michael John Connolly; Sam Omid; Steven John Petrie; Theodorus Van-Gelder; Wayne Braund

Two-day sentencing hearing listed to start on 23 May at 10.30am. Ten defendants (one of which needed a Dutch interpreter) and eleven barristers left waiting in court packed with public and press as Capita fail to provide Dutch interpreter. "This is what happens when you sell off services to the cheapest bidder", says barrister.

The Capita-booked interpreter was 'on holiday' and there had been a diary error. The Judge requested Capita come to court at 2pm to explain what had happened, but they didn't and he described the situation as 'outrageous'. Capita appeared before the Judge the next day.

Prosecution counsel: Mr Gary Woodall

Defence counsel for defendant Van Gelder - Ms Gatto

Defence counsel for defendant Gorlee - Ms Thompson

All three barristers from 9, St Johns Street Chambers

Further Background:

11th March 2013: case dates fixed; 15th March - court requests interpreter originally for 24 May only; 9th May 2013 - court spots error and realises two days are required and sends Capita amended request; Case marked on court system as accepted only on 22 May 2013 -

court has no idea why so late; reason given for no interpreter on today's date is that the interpreter was on holiday until 22/05/13; case went ahead without interpreter.

20/05

Wolverhampton Crown Court

Details: Solicitor-Advocate Malcolm Fowler (Dennings Solicitors) reports: "Problems on stilts with, in particular, Wolverhampton Crown Court one, with one case from Friday put off for Capita to show cause within 14 days as to why they should not show cause over no Vietnamese interpreter.

Today, no Polish interpreters for a two handed case put off until tomorrow and the Judge calling on Capita for wasted costs or at least to show cause.

Before the Resident Judge at the same court there was no Vietnamese interpreters for five defendants which has caused a trial due to start today to have to be adjourned."

17/05

Details: Barrister Mary Prior (@mary_prior) tweets that an interpreter was not interpreting what the judge said. Why? They didn't know they had to because they had only done NHS work before. Language was Konkane.

17/05

Details: Barrister Darin Millar (@defence lawyer) tweets '3 cases waiting until 11am for earliest arrival of interpreter'.

17/07

Stratford YC

Details: Barrister Vicky (@vicky_claire) tweets 'Held at court because my interpreter doesn't speak enough English to explain proceedings'. Soon he won't have a lawyer either #whereisjustice So bored 2 hours sat waiting. I can do my job but YOTS, bench and interpreter causing unnecessary delays #notopct #saveukjustice

16/05

Details: Mark Pritchard (@Mark_Prit) reports on Twitter: "Saw a mistrial (day 12 of trial!) due to interpreter chatting to witnesses about other evidence in the café."

16/05

Thames Magistrates Court

Details: "No papers, no interpreter, just another day at Thames Magistrates Court."

Reported by Mariana – solicitor (@maz9283)

15/05

Caernarfon Crown Court (this case was raised by Greg Bull QC at a Ministry of Justice meeting in Cardiff on Wednesday 15 May where he told them 3 days were wasted in court this week due to lack of interpreter)

Details: the case of R –v- Hecko at Caernarfon Crown Court. Slovakian interpreters are required for the Defendant. When the case was listed for Preliminary Hearing, Capita failed to provide any interpreter. Then when the case was listed for hearing on Monday (13 May), Capita provided three different interpreters, none of whom were Slovakian. The case was then moved to Wednesday (15 May), and exactly the same thing occurred, of the 3 interpreters sent by Capita, none were Slovakian. Effectively, this resulted in the loss of three Court days, and the wasted time of Judges, QCs and barristers.

Reported by Kristie Oliver - Crown Court Case Manager , Keith Evans and Company Solicitors

15/05

Leeds Crown Court

Details: No Capita Hungarian interpreter. They might send one for 14.00hrs today but can definitely NOT supply one for tomorrow.

13/05

Kent Magistrates Court

Details: No Capita Lithuanian interpreter. Defendant in custody since 10 May. Solicitor going in and out of dock with a phone

Reported by interpreter @DianaLTU

10/05

Huddersfield Magistrates Court

Details: "Can't get Czech interpreters for love nor money. Had a case adjourned twice now."

Reported by Marnat Ali (@marnatali3) – defence lawyer

10/05

Nottingham Crown Court

Details: a hearing was postponed in a quadruple murder case when a Mandarin interpreter booked for defendant Anxiang Du didn't arrive, prompting High Court Judge Justice Julian Flaux to label the outsourcing company 'an absolute disgrace' and Northampton North MP Michael Ellis to say it showed the service was 'out of control'.

07/05

Rotherham Crown Court

Details: No show for Vietnamese interpreter. Case adjourned until tomorrow

Reported by Yelena McCafferty (@talkrussian)

07/05

Bristol Crown Court

Details: Lost over £200 today as trial could not go ahead as interpreter booked for an hour rather than for a week!

Reported by Tom Wainwright (@wainwright_tom) - Criminal Barrister at Garden Court Chambers.

07/05/2013

St Albans Crown Court

Details: ALS fails to provide Cantonese interpreter at St Albans today. Hearing aborted (T20130220YEE Chee L41E12046513). Court only informed at 9:15 this morning of non-availability for 10:15 hearing. Hearing fixed three weeks ago. Judge orders wasted costs against Capita in the sum of £150 noting it is ironic that extra funds have recently been given to the company over and above the contract price. Reported by Barrister Sean Sullivan.

03/05/2013

Hendon Magistrates' Court

Details: No interpreter for AM hearing, none available till pm; CC sentence adjourned as CPS have no details re compensation.

03/05/2013

Canterbury Crown Court

Details: Yet another delay at Canterbury CC due to a Swahili interpreter not attending. So far 20 min of court time & adjourned. Reported by Duane Bridger @bridger_duane) via Twitter).

03/05/2013

Sheffield Magistrates' Court

Details: Sheffield Mags today - client came ready for trial at 2pm, but Capita rang court to say the Pashtun interpreter wouldn't be there till 3.30. All casual, you know, like this is totally acceptable and normal. Newsflash [Capita] it isn't. Reported by Deborah (@dlsmithies), Barrister via Twitter.

02/05/2013

Shrewsbury Crown Court

Details: a three-day-trial due to be held at the crown court had to be adjourned for the second time in a week because an interpreter that had been booked for the defendant was not available. Judge Peter Barrie apologised to the defendant and witnesses and said that because of centralisation of services, the courts were no longer able to approach translators directly.

Barristers Mr Ian Ball and Mr David Munro, said the difficulties were indicative of the government's shake-up of the criminal justice system.

02/05/2013

Bristol Crown Court

Details: Three Polish defendants, Rafal Nowak, Anna Lagwinowicz and Tadevsz Dmytryszyn, accused of murdering Catherine Wells-Burr, 23 were in the dock today. At 11.16, Andrew Langdon (defending Anna Lagwinowicz) said that the witness, Peter Kolack, had not had the benefit of an interpreter when the police took a statement from him in Willow Way on September 12, which he said was an important consideration because Mr Kolack's English is limited.

01/05/2013

Woolwich Crown Court

Details: A friend told me that he went to Woolwich Crown Court to interpret for a CPS witness. There was a Capita / ALS interpreter for the defendant. The judge asked the ALS / Capita interpreter: "are you a qualified interpreter? The ALS / Capita interpreter replied: "I am from Capita".

The Defendant said (from the dock): I can speak better English than this interpreter. The honourable Judge then released the interpreter and did not use him. In fact the defendant did not want [the interpreter] to interpret for him.

[Reported by Zakir Hossain via professionalpublicserviceinterpreters@yahoogroups.com]

April 2013

30/04/2013

Milton Keynes Magistrates' Court

Details: On 22nd April [a neighbour] went to Milton Keynes Magistrates' Court. He was waiting there all day long, from 9 am until 4 pm and his case was adjourned because Capita did not provide a Russian interpreter.

He said: "I was very upset by such an attitude. The duty solicitor did not want to take my case because there was no interpreter. I consider it was some form of discrimination and no one would like to be treated like this. I would prefer to work very hard all day long rather than sit near the court door for so many hours with people going constantly backwards and

forwards. I felt sick and morally humiliated. I had so many questions to ask about my bail conditions. I wanted to go back to Lithuania. I felt something was very wrong about this situation in the court”.

29/04/2013

Court tbc

Details: In my court this morning a Lithuanian interpreter has turned up for a Slovakian prisoner. Just as well they both speak Polish [reported by Phillip Morris, Barrister, via Twitter]

26/04/2013

Hatton Cross Immigration Tribunals

Details: [Reported by interpreter present] I'm at Hutton Cross Immigration Tribunals near Heathrow airport. The case before mine required a Farsi interpreter (booked by Capita TI). He just rang to cancel and no other Farsi speaker on site.

The tribunal staff had to ring the agency when the Farsi interpreter hadn't arrived by 10:30-10:45 (the hearing was due to start at 10 a.m.). The agency staff said the interpreter had rung up to say he wasn't going to attend earlier that same morning. No reason was given by interpreter but also the agency staff didn't even have the courtesy to call the tribunal to inform them when their linguist cancelled at the last moment. Further, the case was listed for FOUR hours and had been repeatedly re-scheduled.

The appellant was understandably upset as was her legal representative. The judge was rather scathing about this interpreter and the agency. On the form for the case to be re-listed, the judge wrote that the interpreter had cancelled on the morning the hearing was due, without giving an explanation. He also said the interpreter cancelling at the last minute left the court no time to get a replacement via Loughborough, not even for a 2 pm slot as the case was listed for 4 hours. He also refused to let the appellant try to undergo cross-examination despite her English being not too bad. According to him, a short cross-examination or a long one might be detrimental to her case if she found she couldn't answer, or had miss-understood, a question. He said he'd prefer the case to be re-listed.

26/04/2013

Newcastle Crown Court

Details: Vietnamese interpreters failed to turn up for 3rd time. Another success for BVT - well done the MOJ.

26/04/2013

Northampton Crown Court

Details: Two Romanian cases in court today, in different courts, at the same time. One Romanian interpreter here. It seems it's a case of sharing her.

25/04/2013

Nottingham Crown Court

Details: Today at Nottingham CC - no interpreter for Kurdish appellant. Asked for by court but not provided. Adjourned until next week.

24/04/13

Chesterfield Magistrates' Court

Details: 3 defendants: one in custody, two first appearance, none on remand from the day before. Capita TI could not provide an interpreter.

23/04/2013

Leeds Bridewell / York Magistrates' Court

Details: I am a bit puzzled. Got two phone calls today. One from Leeds Bridewell - they were looking for a Polish interpreter because Capita could not provide one and then another call from York Magistrates because Capita failed to provide. I am puzzled because for over a year I have had no direct phone calls and it looked like Capita did not have any problems with the lack of Polish interpreters.

23/04/2013

Watford Crown Court

Details: A colleague who previously worked for Capita informed me that this case, which had already been adjourned on several occasions, was listed today in Watford... I wanted to know what would happen on this occasion so I travelled to Watford which is not far from me. As I arrived at the Court I received a desperate phone call from the court asking if I was available to assist them. I informed them that I was on the premises but that I was not prepared to help them out as second option and told them to get the message to the MOJ that this new system is not working.

The case was called. The usher informed the magistrates that I was present in Court and when asked by the bench as to my position, I politely informed them that I was there as an observer and was not prepared to assist under the current farcical arrangements. The magistrates were then informed that on 12 March the case had been adjourned until 19 March for an interpreter to attend. Capita interpreter called in sick at the last moment and case was adjourned again until today, 23 April. Once again the Capita interpreter called in sick at the last moment.

The magistrates asked the clerk what they could do and were told that as the hearing was for sentencing, the defendant having already pleaded guilty, they would have to adjourn the case again until 4th June to get an interpreter.

Outside the court in answer to my question as to whether he had understood the Capita interpreter before, the defendant answered "hardly". I told him that it was his right to understand everything and suggested that if the same thing reoccurred he should inform the court of the difficulty he was having.

23/04/2013

Swindon Crown Court

Details: A man who left a drinker needing surgery on a fractured eye socket in a barroom assault has had his sentence adjourned because an interpreter failed to turn up at court.

Marciej Stadnik, , of School Lane, Staverton, was due to learn his fate at Swindon Crown Court after admitting carrying out the assault at Lloyds Bar in Swindon last year.

But the 27-year-old does not speak good enough for him to understand proceedings without it being translated into Polish. Recorder Michael Selfe adjourned the case so an interpreter can appear, and released the defendant on bail.

23/04/13

Hatton Cross Immigration Tribunal

Details: I was told I'm now the only interpreter for Mauritian Creole (the other person passed away 2 or so months ago). Apparently, tribunals now contact Capita TI directly but revert to Interpreter Bookings in Loughborough when Capita can't fulfil their obligation. The Bookings Team approach me directly in any event for any jobs for this language. They are still going strong in Loughborough despite being told it was going to shut in May, July, September. They are now increasingly busy with requests from Tribunals to provide interpreters

22/04/2013

Lewes Crown Court

Details: Defendant spoke Lingala (Congolese dialect). Interpreter faithfully swore to translate into Bengali.

22/04/2013

Milton Keynes Magistrates' Court

Details: On 22nd April there was a case at Milton Keynes Magistrates Court which was adjourned because the defendant did not have an interpreter. To be more precise Capita was unable to provide a Russian interpreter at all during the day. He was waiting from 9 am - 4 pm.

He said: "I was very upset by such an attitude. The duty solicitor did not want to take my case because there was no interpreter. I consider it was some form of discrimination and no one would like to be treated like this. I would prefer to work very hard all day long rather than sit near the court door for so many hours with people going constantly backwards and forwards. I felt sick and morally humiliated. I had so many questions to ask about my bail conditions. I wanted to go back to Lithuania. I felt something was very wrong about this situation in the court".

19/04/2013

Court tbc

Details: Court today, adjourned PCMH from 4weeks ago. Adjourned then because no interpreter - today same. Capita say no Slovak speakers on books [Reported by Matthew Buckland on Twitter @thebarwithmb]

16/04/2013

Court TBC (London)

Details: Sex trial failed to proceed coz interpreter failed to attend. Waste £10k. Devastated witnesses [reported by Charles Faulk on Twitter @FalkCharlie]

15/04/2013

Cheltenham Magistrates' Court

Details: I had a Slovak interpreter in Cheltenham Magistrates' on Monday. At 3pm for a 10am hearing

15/04/2013

Bristol Crown Court

Details: 3rd trip to Bristol to attempt PCMH in serious case. 3rd ALS failure to send interpreter. Frightening future of privatised CJS. Then Capita lied to the Court and said the interpreter had 'forgotten'. He confirmed he had never been booked

13/04/2013

Derby Magistrates Court

Details: [Case: Laszlo Steflík] I understand from the defendant that no interpreter turned up for this hearing, he was released but did not understand anything from the proceedings.

11/04/2013

Blackfriars Crown Court

Details: (Court 7) I was there for defence witnesses. Just before 10.30 there was a case (A20130032 case of UDILA DUMITRU) appealing against his sentence. He was brought from Pentonville Prison and no Romanian Interpreter was available. His counsel could not communicate with him at all. Court tried for couple of hours but could not get one for two days. So he could not understand what was going on. Judge asked how long he has been in Pentonville? One week, two weeks or a month? he could not reply. Case adjourned to 18th April 2013. No one asked for costs etc? It seems everyone is accepting Capita's incompetence.

10/04/2013

Reading Crown Court

Details: [Reported by Solicitor] Meanwhile in sunny Reading.... We had a Pole in the cells on Monday for breach of bail. He had been away from home in his curfew time and his tag had mysteriously come off his leg. No interpreter. So with my bad Polish (he was lucky I was duty

perhaps - my Polish is basic but improving) I talked to him on my own. What is "tag" in Polish? No idea, pocket dictionary was no help. I said "it's like a label (metka) which is round your leg". Predictably, he did not remember much due to excessive alcohol, but he did know what I was asking about. The court office had been told that an interpreter would arrive for 2 p.m. At 2.30 I asked them to make another phone call, and they were told that since the agency was under the impression that the interpreter would not be required until 3 p.m. - and I can't believe anyone in the court office or police station would have told them that - so the person who was booked to come had decided to cancel!

It was breach of Crown Court bail for a serious offence and I thought his own solicitors ought to be there and of course an interpreter, so he got remanded for one day. At least I was able to tell him what was happening. Otherwise he would have been terrified out of his wits. It is just not good enough!!

10/04/2013

Haverford west Magistrates' Court

Details: [Received from a solicitor]. I represented a Latvian national yesterday and today in Haverford west Magistrates. He was produced in custody yesterday morning. His English was limited. No Latvian interpreter could be found, the DJ remanded him over night - "insufficient info" - until today for interpreter to be sorted. 3.00pm today we conclude the case, no interpreter, I did the hearing at the same time as typing into Google translate! The alternative would have been further deprivation of his liberty (he was fined £205 including surcharge and costs for the offences before the court)."

A good example of what price competitive tendering does to the quality of a service!

09/04/2013

Bodmin Magistrates' Court

Details: Received a call at 1pm to ask whether I would be available for an interpreting assignment the next day (2pm was a cut off and they needed to wait for ALS to cancel the booking - the court was sure they would and wanted to line up available interpreters for the trial!

08/04/2013

Milton Keynes Magistrates' Court

Details: No interpreter (Tamil) and the sentencing adjourned (Case Kandasamy Pathmanathan).

06/04/2013

Chesterfield Magistrates' Court

Details: Stuck at Chesterfield Magistrates' Court because the interpreter turned up late..... Bloody interpreter getting lost. Would have been quicker with Google Translate (reported by Joe Harvey, Solicitor Advocate via Twitter @joerv007)

05/04/2013

Spalding Magistrates' Court

Details: Spalding magistrates have adjourned proceedings for a second time because the courts service has failed to find a Slovakian interpreter. Julius Ziga (35) is accused of driving while disqualified and without insurance in Halmer Gate, Spalding. He appeared in court on March 21, when no interpreter was present, and again on Thursday. Ziga, of Baulkins Drove, Sutton St James, has not been able to enter pleas because he does not understand English well enough.

His case has now been adjourned to April 18.

04/04/2013

London tbc

Details: No Punjabi interpreters in London so the court one comes from Derby, 5 hours late and leaves before we can see client in cells after hearing.

04/04/2013

Spalding Magistrates' Court

Details: A woman veterinary nurse was hurt on her way home to Spalding when another car drove into the back of hers. Rebecca Ritson, prosecuting, said the impact spun the woman's car around 360 degrees and the silver Audi that hit her – driven by Viktoras Jackunas – ended up sideways on in a ditch. Miss Ritson said Jackunas provided a positive roadside breath test, but failed to give an evidential test at the police station. Solicitor Mike Alexander, mitigating, said Jackunas had lung problems but he had managed to give the roadside test and, therefore, should have been able to give the test at the police station.

A police officer was telling him to "blow" but an interpreter translated that as "breathe" and Jackunas was breathing into the machine rather than blowing.

March 2013

27/03/2013

Aylesbury Crown Court

Details: I am in Aylesbury Crown Ct for a witness. No interpreter for the defendant so far! Ct staff running around asking me 'are you for the defendant'?

Finally a Capita Interpreter popped in 2.30 and the case adjourned. I had a chat with court staff, it was the usual stuff about capita...he told me that these new interpreters struggle to understand even a normal conversation let alone the legal jargon...

My witness did not turn up unfortunately and as the clerk was asking me 'as your witness did not turn up is it possible for you to interpret for the defendant' ? and I was trying explain I won't, there he was the Capita interpreter popped up...I had a chat with him too! He wasn't a happy fella as you can imagine. He said he was in court in the region for a morning job and had a call to come here...That's why he agreed...

I told him you should stop working for Capita...he said I only take if there are 2 jobs in a

day....

back to the court staff...he said an interpreter travelled all the way from Edinburgh to Aylesbury for a one hour hearing...that's a whopping 373 mile and over 12.5 hrs of travel time...

the dossier is only tip of an iceberg....the chaos created/being created by Capita much wider and deeper..."

26/03/13 at 17.25

Wolverhampton Magistrates' Court

Details: Case of Olga Garcia accused of shoplifting. 3rd hearing of the case. Listings complained it was hard to find Portuguese interpreter. Court 172 miles/4 hours drive (each way) away from where I live.

26/03/2013

Leeds (Police Station)

Details: (Reported by Ela Okurowska) Went to a local police station in Leeds. I was booked not by the police but a different organisation who used police custody for their suspects. Anyway on the custody wall there was a big poster reading more or less this message: "Not happy with ALS interpreters because your interpreter did not come on time, did not come at all or was sent an interpreter who speaks the wrong language. Please send an e-mail to Interpreter mailbox. We are not the only FORCE experiencing problems with this company and their performance is closely monitored."

25/03/2013

Crawley Magistrates' Court

Details: No Romanian interpreter in Crawley Magistrates' Court today. The defendant was left in custody. The same court rang Latvian RPSIs direct

25/03/2013

North Wiltshire Magistrates' Court

Details: In the Court cells today 2 Romanians and 1 Russian - ALS can't get any interpreters here today for any of them. Pretty poor show (reported by Gordon Hotson, Criminal Defence reporter)

22/03/2013

Bodmin Magistrates Court

Details: (Case number 1300039026) I was contacted by the listing officer on Friday 22/03/2013 (pm) as yet again ALS cancelled their request for a Polish interpreter for Monday 25/03/2013 at 11am.

22/03/2013

Court TBC

Details: Two people in court today need interpreters. They were informed last night that interpreters would be required. They have not been allocated. ALS say they cannot get anyone to deal with my custody case... What a useless system this is (reported by Steve Brint, criminal defence solicitor)

21/03/2013

Old Bailey

Details: At court I fall into conversation with a Capita interpreter. She is North African and does Arabic. Prepared to do French too but only in simple cases. She tells Capita this but still gets sent to do a job at Bailey. The judge was French speaker and, she said, corrected her translation several times. She was greatly embarrassed and told Capita they shouldn't have sent her. They told her that she should withdraw her name for French in that case. But they knew she wasn't qualified for French, yet sent her to the court that deals with the most serious criminal matters.

She says that the admin staff at Capita didn't have a clue what they were doing. She seemed very unhappy with her "employers".

21/03/2013

West Midlands

Details: I had a call from a solicitor's office offering me a job in a magistrates' court in West Midlands last week. Unaware that a court would resort to booking an interpreter through the appellant, I agreed to take up the job. On arrival at the court, I realised that I was going to interpret for an appeal and the appellant was asked to book the interpreter. The respondent, I was told, did not have any objections to this and the court did not give a damn about the all important principle of impartiality. The appellant told me: "You need to give me a hand when I am stuck" and I told him categorically that I have to be impartial although I have been booked by you.

When I dugged a little deeper, I found out that the Capita interpreter was late for the previous hearing turning up at 2.00pm for a 10.00am hearing. During my chat with one of the ushers, whom I knew through previous assignments, he told me that Capita was summoned to a Crown court in the region in relation to problems with interpreters and got away with it. I thought about refusing to interpret for the court but this was an important hearing for the appellant after years of waiting and he was funding his solicitors privately thousands of pounds.

On separate occasion, I was asked by another client I was interpreting for in Hertfordshire: "why don't you attend courts as I had to wait until 2.00pm for the interpreter to arrive for my hearing".

18/03/2013

Cardiff Crown Court

Details: R-v- Goran Kamal Ahmad at Cardiff Crown Court, listed for trial 18th March 2013 with a time estimate of five days. It finished on 28th March lasting nine days and was 'a complete farce

with interpreters, with Court having to go off contract, and use a tier one interpreter, in fact trial nearly aborted'. The case was a multi-complainant rape case where the defendant was eventually convicted and sentenced to life.

The delays were all caused by interpreter issues.

Case reported by Matthew Roberts, Barrister at 9 Park Place in Cardiff.

17/03/2013

Birmingham Crown Court

Details: Earlier this month I worked at one of my local police stations (they are not with Capita). The duty solicitor was appalled by the quality of Capita interpreters. He told me that apparently those who are Tier 3 cannot speak English, one Capita interpreter sent his brother-in-law to Birmingham Crown Court for a trial, because he couldn't make it himself... I got the impression that the brother-in-law wasn't even an interpreter. Apparently the judge was furious, as you can imagine.

It seems it's old news, but it doesn't show any change either. The solicitor also confirmed that Tier 3 interpreters are still being sent to courts. He added how easy it was working with a professional interpreter. He covers West Midlands Police too. This is Capita territory and he said that the last Capita interpreter he came across there, just "didn't have a clue".

13/03/2013

Court TBC

Details: Waiting since yesterday morning for a Czech or Slovakian interpreter. Client remanded in custody last night when Capita promised to deliver. [update] By 16.00 there was still no interpreter & Capita could not say whether one might be here by tomorrow. Client already in custody for 2 days.

13/3/13

Uxbridge Magistrates' Court

Details: Another direct call, defendant spent last night in custody - no interpreter (Bulgarian). Case adjourned three times now.

13/03/2013

North East

Details: Sat in court - first hearing can't go ahead as there is no interpreter - adjourned off and hearing with 3 advocates wasted [Reported by Chris Rose, Barrister at New Park Court Chambers]

13/03/2013

Hull Magistrates' Court

Details: On 13th March ALS Latvian interpreter attended Hull Magistrates Court. She sent me a text on the same day telling that the defendant had been kept in custody for 3 days due to interpreter's non attendance. When I asked her what did the solicitor say about it she said: nothing much. Unlawful detention due to interpreter's non attendance is a normal thing nowadays.

12/03/2013

Canterbury Crown Court

Details: No Czech interpreter for Canterbury Crown Court. To be fair they organised a Tamil interpreter... From Scotland!

12/03/2013

Derby Magistrates' Court

Details: At the end of last month I went to my local Derby Magistrates' Court to interpret for a CPS witness, the defendant had a Capita interpreter. The funny thing was she was open-mouthed listening to what I was interpreting to my witness and forgot to interpret for the defendant. The legal adviser spotted it and asked her to interpret a summary of the case so from then on she did start interpreting for him.

When we had a break, she came up to me and said that this case was taking long (a trial), I told her that trials most of the time were long, then she said that normally it took 15 min, when you get driving offences. I just shook my shoulders and she asked me if I was new in courts. I told her that I used to be there all the time, but I've been boycotting Capita for a year now. She asked me if it was because of payment, I replied that it was partially about payment, but also because of unfair treatment of interpreters who spent money on getting qualifications, had to be vetted etc, but now no one cares and that in the first place no one wanted to speak with interpreters or interpreting bodies about the situation directly instead completely ignoring our opinion. She moaned back to me saying that she was in the same situation as she cannot register on the National Register as she only has partial DPSI and that Capita had more cuts in payment. At that point I had to move on and I wished her good luck.

11/03/13

Burton Magistrates' Court

Details: <http://www.burtonmail.co.uk/News/Case-delayed-against-illegal-fag-duo-after-Mail-probe-20130312121723.htm>

"... the case has been adjourned for an interpreter to attend."

11/03/2013

Reported by Martin Belica, Solicitor

Details: We had to suspend a police interview yesterday as my interpreter was worse than bad. Never had to do it before and felt bad about it but the detectives agreed and want a report from me with my comments in order to file it with capita...

08/03/13

Macclesfield Police Station

Details: Carlos Tevez (Manchester City footballer) was bailed because there was no interpreter at Macclesfield Police Station. He is to return there on Tuesday.

08/03/2013

Maidstone Crown Court

Details: A man accused of committing a murder in the early hours of New Year's Day will stand trial later this year after denying the charge today. Jurijs Popovs is alleged to have killed 21-year-old Dmitrijs Titovs, who suffered stab wounds outside a block of flats in Henley Place, London Road, Teynham, near Sittingbourne. Popovs, of Henley Place, entered the plea despite the non-appearance of a Russian interpreter.

06/03/2013

Northampton Crown Court

Details: Judge Richard Bray branded Capita "hopelessly incompetent" after he was unable to sentence and expedite deportation proceedings against a Vietnamese drug king because no interpreter arrived at Northampton Crown Court.

04/03/13

Plymouth Magistrates Court

Details: Listing Officer called me around 10am asking whether I could assist (same day booking - Case No: 1300032218 - 2pm). ALS have been calling me with this job offer for some time by then including the morning of 04/03/13 - they did not inform the court they did not have an interpreter until 10am the same day.

02/03/2013

Kirklees Magistrates' Court

Details: Sofane Yakr appeared before Kirklees magistrates yesterday in custody. He faces four charges of stealing phones from women attending bars on King Street on November 10. Magistrates heard that he spoke no English and needed an Arabic interpreter. When magistrates discovered that he understood some French, *prosecutor* Julian Briggs helped progress the proceeding.

01/03/13

Police Station

Details: Yesterday I attended at police station to represent an Eastern European suspect for theft. The client had been in custody for 22 hours without interview, I had previously made representations with regards to delay. I was informed that the police had difficulties locating an interpreter to attend.

I was then informed that the interview and consultation will be conducted in the Doctors room as a telephone was required in order for a representative of language line to translate the consultation and subsequent interview! I made further representations about requiring

private consultation but was assured that "this 'procedure' has been used a number of time in the past". The a/p statement had not even been obtained; the police had one independent witness statement after 22 hours! How can I possibly be sure that a police telephone line is private? I then advised a no comment interview and expressed my concerns at the start of the interview. Before the officer had even got to ask any questions, client began to cry and stated that she was very unwell..... By this point there was under an hour left on the clock.

The officer suspended the interview, left the room and spoke to CS. He then returned and confirmed interview was terminated.

February 2013

26/02/2013

Crown Court (tbc)

Details: Reported by Marina Zaretskaya. Another sign of "marked improvement". A solicitor has got in touch asking whether I've been booked by a crown court for his client next week (we'd done a prison visit together). When I explained the court has to use CapitaTI to book interpreters, he wrote back saying "It was adjourned last week as NO INTERPETER attended and has been rearranged to [date]". I wonder how much it's already cost MoJ in transport and security alone, taking him to and from prison, let alone all the other wasted costs of adjournment!

21/02/2013

Highbury Court

Details: Two Munich (football) fans accused of a racially aggravated offence remanded in custody as no German interpreter was available. Interpreter arrived at court next day (22nd) defendants plead guilty – fine deemed served due to excessive time served in custody and they were released!

21/02/2013

Anchorage House (tribunal)

Details: Report from a colleague: I went to Anchorage house today to look around tribunal the service. Spoke to a Somali interpreter who travelled 45 minutes by car. He paid £3.50 for parking and his case finished within 30 mins. He was so angry. He said the whole thing was s*** and that all the ALS were thieves and B***ards. He said he will receive £20 from ALS and his own calculation is that he will earn £12.00 today. When I reminded him that he needs to make an allowance for tax he said he will never come here again!

20/02/2013

FWA results in 11% increase in spending by WMP

Details: Recent figures show West Midlands police paid £202,879 to CapitaTI/ALS for the month of November 2012 – working out at around £7,000 every day or £2million every year.

Compare this to 2011 when the force pledged to cut 40 per cent off the £1.8 million a year it spends paying interpreters. The force, which has to save £126 million over four years as part of Government budget cuts, said it can save at least £750,000 a year by changing the way it employs translators (<http://www.birminghampost.net/news/west-midlands-news/2011/09/08/west-midlands-police-to-cut-750k-from-budget-for-translators-65233-29383853/>) yet the above figures demonstrate that spending has in fact gone up by 11%.

16/02/2013 and 18/02/2013

South Tyneside Magistrates' Court

Details: A Vietnamese man accused of being behind the biggest cannabis farm found in South Tyneside has been remanded in custody after a translator was not supplied – twice - for the hearing. Nguyen, 19, was charged with producing a Class B drug and appeared at court on 16/02/13. But without an interpreter to translate to the non-English speaking Vietnamese, the case could not proceed. It was adjourned until Feb 18th, and Nguyen, of no fixed abode, was remanded in custody. He was back before magistrates on the 18th but for a second time, no interpreter was available.

16/02/2013

Uxbridge Court

Details: One client had an interpreter in interview but none arranged for court (reported by Sundeep Bhatia (solicitor) on Twitter.

15/02/2013

Crown Court tbc

Details: Anybody speak mandarin? Interpreter for cc cancelled this morning alt was arranged for 2pm, now cancelled. How do I explain that to client... judge used slow loud voice and hand gestures to say "no interpreter". I used pen and paper as he could read simple phrases.

15/02/2013

Court tbc

Details: No interpreter for two Romanian defendants. One of the barristers speaks Romanian so he's interpreting for them!

15/02/2013

Peterborough Crown Court

Details: Interpreter booked for 9.30am, so they fax the Court 11pm the night before to say won't be here until 2pm.

14/02/2013

Snaresbrook Crown Court

Details: I was called directly by Snaresbrook Crown Court yesterday morning to interpret for a

trial which would last for 2 days. When I arrived, there was already an interpreter who was booked by Witness Care service. Apparently the defence counsel used her in the consultation with his client (not knowing that she was not booked by the court) and for this reason the court decided to use this interpreter for the trial, not the NRPSI interpreter they themselves booked directly.

I then spoke to the Listings Office, explaining the situation, they were aghast and said never before an interpreter for Witness Care service was used as the official interpreter in a crown court trial.

14/02/2013

Nottingham Magistrates' Court

Details: Yesterday/ 14th Feb, I was on a CPS assignment in Nottingham Magistrates. Interpreter for the defence never turned up and hence MoJ realized further savings by wasting Court's time, police's time and condemning the witnesses and defendants to further strain and misery.

13/02/2013

Nottingham Crown Court

Details: Crown Court today interpreters required 3 interpreters showing up 1 - Judge slams ALS

13/02/2013

Swindon Crown Court

Details: No charge was formally put to a 33-year-old accused of sexual assault and he did not enter a plea during a brief appearance at Swindon Crown Court as there was no Hindi interpreter to translate proceedings for him. Conditional bail granted and hearing adjourned until April 19th.

13/02/2013

Court tbc

Details: Report from Twitter: Defence advocate says defendant should speak Russian or Lithuanian they r not sure which! Let's toss a coin should we? It gets better-not only does defence not know the language but the interpreter went AWOL after they helped probation with the report

11/02/2013

Crown Court (Yorkshire)

Details: A Crown Court trial in Yorkshire has just been postponed due to lack of rare language interpreter. The language was Polish.

11/02/2013

Willesden Magistrates' Court

Details: Reported on Twitter by Laura Hockers (Criminal Defence Solicitor) Waiting for a Latvian interpreter. The court has found one who is on her way. From Leamington Spa!!!

08/02/2013

Email exchange between ALS linguist and Capita TI

Details: Capita refuse to pay rates as agreed at the time of booking... see below exchange:

[From ALS Linguist]

I am writing to you in connection with the above assignment (ref). I have queried it via the linguist lounge portal but for some reason my payment changed status from 'queried' to 'new' without any reply from your payments department.

As per my query, it seems that you calculated the travel supplement using the new mileage rate. Please be advised that I had accepted this job before you changed your payment terms (and my understanding was, as per your message displayed each time I accepted a booking and entered into contract with you, that "By accepting the job, you accept the payment rates of the assignment as detailed in the 'Estimated Payments' section."). I would have cancelled this job had I known that you were going to pay me the new rate. Could you please amend the travel supplement amount?

[From Karen Hampshire]

Many thanks for your payment query. Any jobs that were offered and assigned to you before the 8th January would have still been under the "old rates" however as the job was completed and accepted after the "new rates" this will automatically reduce to 20 per mile. If you would like to look discuss this matter further please contact legal@capita-ti.com.

[From ALS Linguist]

I have just checked my emails and I have found a confirmation email from 5th Dec 2012 (the day when I accepted this assignment). Does that mean that I should have been paid for travel under the "old rates"?

[From Karen Hampshire]

I am writing to confirm that the booking was accepted and assigned on the 5th December, however the job was closed on the 18th January (3 days after the booking). Hope this helps.

[From ALS Linguist]

Just to clarify, the job was closed on 18th January (3 days after the completion date) but I do not believe that this is relevant to my query. My understanding was that when I accepted this booking I entered into a binding contract between myself and Capita to provide you with my services and by accepting the job, I accepted the payment rates of the assignment (as detailed in the 'Estimated Payments' section at the time). In my opinion you cannot expect us to accept retroactive terms and conditions that change the (already entered by us) agreement.

As I have a couple of bookings (which I accepted before 8th January) let, I would be grateful if you could clearly present your position on payments for jobs accepted before the 8th January (but completed after that date).

[From Karen Hampshire]

Thank you for e-mail. Unfortunately I am unable to make any amendments regarding your query as we have to adhere to the rules regarding changes in the terms & condition. I apologise if this doesn't seem very helpful. What I can suggest is that all queries relating to the changes can be discussed with our Legal Department. "

07/02/2013

South Tyneside Magistrate's Court

Detail: A man accused of being behind a £100,000 South Tyneside drugs farm has appeared in court.

Hung Nguyen was arrested after police smashed a 100-plant farm in Mortimer Road on Thursday night.

The 23-year-old, of no fixed abode, is accused of growing the plants in the loft of the flat.

The Vietnamese man – who cannot speak English – was at South Tyneside Magistrates' Court yesterday facing a charge of producing the Class B drug.

However, there was no interpreter at the court and the case could not go ahead.

Hung was remanded in custody until Monday when an interpreter is expected at the court.

07/02/2013

Snaresbrook Crown Court

Details: Court 6, Snaresbrook Crown Court, before HH Judge J Korner CMG QC (Ref. T20127378). Based on a dispute over interpretation (Sylhetti language), judge Joana Koner abandoned the trial and gave direction to the CPS expressly "do not hire any interpreter who is not on the National register".

06/02/2013

Caernarfon Magistrates Court

Details: One case had to be adjourned four times because an interpreter failed to turn up. Solicitor Jim Connod said: "The case involved an eastern European defendant who could not speak English. After the fourth occasion the judge ordered the company to attend court to explain the delay."

On Monday a case was held up until an Italian speaking interpreter arrived from Manchester.

On another occasion a Lithuanian man had to spend an additional night in custody when no interpreter arrived.

Lawyers said there have been difficulties obtaining translators for Chinese and Vietnamese defendants and witnesses.

04/02/2013

Boston Court

Details: I was in Boston court today with CPS. The Latvian defendant was told to come back at 2 o'clock as the Russian interpreter could come only at 2.00. The Polish defendant was

told that his case had to be adjourned until 22nd Feb as no interpreter was available.

The colleague had a quick chat with a Lithuanian Capita interpreter. She said that with their new system if two interpreters accept the same job, then the closest one gets the job, and the other one is left with nothing.

02/02/2013

Probation Hearing

Details: At my recent Probation booking a defendant asked a Probation officer to clarify his sentence because the interpreter he had in court told him that he had to do 15 (!) hours of unpaid work and sign in at a local police station on a weekly basis. The Probation officer checked his file and said that his sentence was 150 hours of unpaid work and 12 months of supervision!