**Performance and Resources Scrutiny Programme 2018/19**

**Report to: the Office of the Police, Fire and Crime Commissioner for Essex**

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| **Title of Report:** | **Custody contracted services**  **Update and action plan concerning Language and Translation Services** |
| **Chief Officer** | **ACC Paul Wells** |
| **Report from:** | **Essex Police** |
| **Date of Meeting:** | **30/04/2019** |
| **Author on behalf of Chief Officer:** | **A/CH/INSP Stuart Colbear** |
| **Date of Approval:** | **11/04/2019** |

1. **Purpose of Report**

This report is designed to provide a further update on Language and Translation Services (The Big Word) contracted to Essex Police, including the developmental action plan

1. **Recommendations**

This report is for the information of the board only.

1. **Executive Summary**

The Big Word (TBW) continues to provide language and translation services for Essex Police under contract since 1st September 2017 until 31st August 2020.

Significant demand for their services comes from Essex Police Custody, however the service extends to provide a service to investigative departments as necessary.

The previous report identified on-going issues with TBW and that it continues to fail to meet the contract specifications, resulting in significant operational impact for victims, witnesses and suspects due to delays in process for non-English speaking members of the public.

The Association of Court and Police Interpreters (APCI) is in place to provide a service where TBW are unable to meet the service demand. We are working with a national working group to explore options to provide a standalone translation service owned by the Police.

This work is ongoing but may provide a significant cost saving and improvement to the service. We are making good use of the APCI service and looking at what the future beyond August 2020 will look like.

We are holding TBW to account in monthly meetings to highlight continuing issues. As the results of these plans become apparent an update will be given to this board

1. **Introduction/Background**

**Language Services**

Demand for language and translation services continues to rise. This is particularly important when victims/witnesses and suspects do not speak English as a first language and allows us to facilitate detainee care; enable communication of authorities, rights and entitlements and allow effective investigation of offences through interview.

The previous report from 3rd January 2019 identified a variety of issues surrounding the provision of interpreters. In a number of cases we have been unable to obtain certain languages, face to face translation in custody, or for document translation.

As a result an ongoing developmental action plan is being progressed by Criminal Justice Command. This is shown at the end of this document.

1. **Current Work and Performance**

**Language Services**

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| In relation to the Interpretation, Translation and Transcription Services to the Police the definition of a Critical Service Failure in the Big Word contract is defined as meaning a failure to meet the 98% fulfilment rate.  We have identified a lack of KPI to provide a basis to evaluate the performance. This relates to the provision of face to face interpreters. |

We have identified that telephone interpreting services overall continue to work well so rights and entitlements, grounds for detention and risk assessment questions are largely unaffected.

Criminal Justice Command continue to hold monthly meetings with TBW contract manager and collate and feedback all complaints raised with us. The performance information provided by TBW is deemed unreliable by custody command project support and does not reflect the reality of our experience or complaints registered with Criminal Justice command. Their data shows a 91.19% fulfilment which still does not meet the requisite 98% compliance we are looking for

As of 1st September we have had a total of 142 reported incidents/complaints that relate to face to face translation services. The below table outlines how many complaints we have had for each language, the total number of jobs for that language and what percentage of all jobs is a complaint. Of what has been reported, 12% of all jobs have resulted in a complaint, and there are some languages which cause particular concern. This figure has risen 2% in the last quarter

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| **Language** | **Number of Requests** | **Number of Complaints** | **% of requests resulting in a complaint** |
| **Albanian** | 53 | 2 | 4% |
| **Amharic** | 0 | 0 | 0% |
| **Arabic** | 3 | 2 | 67% |
| **Bengali /Bangla** | 31 | 3 | 10% |
| **British Sign Language** | 12 | 8 | 67% |
| **Bulgarian** | 50 | 11 | 22% |
| **Cantonese** | 9 | 2 | 22% |
| **Creole** | 4 | 0 | 0% |
| **Czech** | 11 | 3 | 27% |
| **Dari** | 2 | 0 | 0% |
| **Dutch** | 3 | 1 | 33% |
| **Farsi** | 9 | 1 | 11% |
| **French** | 12 | 4 | 33% |
| **German** | 6 | 2 | 33% |
| **Greek** | 11 | 2 | 18% |
| **Gujarati** | 2 | 1 | 50% |
| **Hebrew** | 2 | 0 | 0% |
| **Hindi** | 1 | 0 | 0% |
| **Hungarian** | 16 | 2 | 13% |
| **Italian** | 25 | 5 | 20% |
| **Kannada** | 9 | 0 | 0% |
| **Kurdish** | 17 | 1 | 6% |
| **Latvian** | 10 | 2 | 20% |
| **Lingala** | 1 | 0 | 0% |
| **Lithuanian** | 114 | 15 | 13% |
| **Malay** | 1 | 0 | 0% |
| **Mandarin** | 35 | 0 | 0% |
| **Mandingo** | 1 | 0 | 0% |
| **Moldovan** | 1 | 1 | 100% |
| **Nepalese** | 1 | 0 | 0% |
| **Nepali** | 4 | 0 | 0% |
| **Oromo** | 2 | 2 | 100% |
| **Pashto** | 11 | 1 | 9% |
| **Patois** | 1 | 0 | 0% |
| **Polish** | 269 | 14 | 5% |
| **Portuguese** | 26 | 6 | 23% |
| **Punjabi** | 12 | 1 | 8% |
| **Romanian** | 378 | 47 | 12% |
| **Russian** | 34 | 5 | 15% |
| **Sinhala** | 1 | 0 | 0% |
| **Slovak** | 14 | 1 | 7% |
| **Somali** | 7 | 0 | 0% |
| **Spanish** | 15 | 5 | 33% |
| **Sri Lankan** | 1 | 1 | 100% |
| **Sylheti** | 2 | 0 | 0% |
| **Tagalog** | 4 | 0 | 0% |
| **Tamil** | 19 | 3 | 16% |
| **Thai** | 8 | 3 | 38% |
| **Tigrinya** | 1 | 0 | 0% |
| **Turkish** | 48 | 4 | 8% |
| **Urdu** | 31 | 0 | 0% |
| **Vietnamese** | 17 | 3 | 18% |
| **Yoruba** | 4 | 0 | 0% |
| **Total** | **1361** | **164** | **12%** |

**6.0 Implications (Issues)**

**Language Services**

The implications of being unable to communicate with members of the public who do not speak English include loss of confidence ,access to justice for victims & witnesses, inability to effectively safeguard the rights and welfare of detainees in custody, increased detention periods and frustration of investigative processes, such as interview or the authorisation and obtaining of samples.

However, telephone interpreting services generally operate well so we are able to mitigate the risks and ensure rights and entitlements are communicated. This diminishes the ability to investigate matters promptly and provide an effective investigation.

It appears that there have often been cancellations made by TBW as they have been unable to fulfil the booking, but it is either not noted who cancelled, or noted that Essex Police cancelled despite the protests of the officer booking. This creates enormous delays when we then have to re-connect TBW and start the process again. It also suggests that the issue sits with Essex Police which is not the case

Other instances have included having to charge and remand detainees without interview due to lack of availability of face to face interpreters and having to forego investigative enquiries such as samples due to lack of availability of interpreters to relay the authority or seek consent.

**6.1 Risks/Mitigation**

Risk 1758 Force Risk Register, relates to Language and Translation services in custody. It is an operational risk owned by Mr Glenn Caton, Head of Criminal Justice Command.

This risk and its mitigating actions are managed and governed through the Criminal Justice Command Team’s monthly Risks meeting and ultimately by A/ACC Wells through the Criminal Justice Strategic Development Board.

It had an initial risk score of 15, (probable likelihood and significant impact). This risk was reviewed recently and score reduced to 10 (possible likelihood and significant impact) due to mitigating actions completed so far.

See section 8.0 below *Actions for Improvement* for further details. This risk score remains unchanged

**6.2 Equality and/or Human Rights Implications**

The provision of translation services should be consistent across Essex, ensuring that all victims, witnesses and suspects have equal opportunities to access justice and have their welfare, rights and entitlements safeguarded when interacting with Essex Police. Currently non-English speaking detainees in custody are detained for longer on average than English speaking detainees, partly due to poor service form translation services. A particular area of concern here is for those who require British Sign Language translation.

**6.3 Health and Safety Implications**

Lack of face to face interpreters early in a detainee stay and during key processes and procedures during detainees stay presents the risk of a lack of effective risk assessment and risk mitigation for that detainee and members of the wider public affected by that detainee’s offending.

**7.0 Consultation/Engagement**

Kent and Essex Procurement

Bedfordshire, Cambridgeshire and Hertfordshire Constabularies

Kent Police Custody and Criminal Justice Command

Essex Police Legal Department

**8.0 Actions for Improvement**

Criminal Justice Command have engaged with legal and procurement services over the issues in the contract and performance of The Big Word and an improvement action plan is underway.

Impacts upon efficiency are measured through numbers of complaints and issues from the frontline users and the improvement plan is managed and scrutinised monthly through the Criminal Justice Governance Board chaired by ACC Paul Wells.

This has been submitted to the Essex Police risk register and the grading will be updated to this board

Completed to date:

* There are now regular meetings with TBW contract manager to improve the data and for all parties to better understand the reasons for and implications of lack of provision. This work has led to improvements in process and service and a new agreed list of management information and performance reporting parameters.
* A structured process has been created for reporting urgent and non-urgent requests and issues through line management to a single point of contact in the project support officer role. This ensures complaints and issues from frontline users are investigated internally first, learning identified and feedback given where required to our own officers and staff.
* Criminal Justice Command have secured an alternative language and translation service accessed directly with the interpreters themselves through their industry body the APCI on an ad hoc basis. The APCI charge a higher rate than services accessed under the contract with the Big Word and are only be used where The Big Word were unable to provide within a reasonable timescale. Close management structure and scrutiny of these requests is in place and all costs are chargeable to TBW. Financial monitoring is provided via corporate finance management accountant and CJ manager who processes all chargeable recovery costs. This service has been used on five occasions to date.

*All ACPI members are on the national register and have various levels of vetting. The APCI have a sector of their association called APCI Response, which is a call centre able to put us in contact with independent interpreters. During business hours we will are able to call them direct and have them put us in touch with the required interpreter in order to fulfil bookings where TBW is unable to fulfil. Out of hours, the directors of the association will be taking calls and liaising with the interpreters. This service will be provided to us free of charge, and we pay the interpreters direct and reclaim costs from TBW as service credits.*

**9.0 Future Work/Development**

Outstanding aspects of the improvement action plan are:

* Seeking to agree further key performance indicators with The Big Word as service levels have been seen to improve in other forces using their services where these exist. They have also recognised that their current management information is incorrect and we are working together with them to improve the accuracy of their ‘fulfilment’ criteria. Consideration is also being given to enter performance indicators into a re-draft of the contract.
* Exploration of implementation of a mobile reporting application for TBW services through IT services and Mobile First. This will allow a better level of service for telephone interpreting to the frontline user.
* Exploration of the use of video conferencing for face to face interpreting requests, thereby drastically reducing delays experienced in the custody suites, following a demonstration of the service (installed at cost to The Big Word) a trial will take place at one custody location prior to any wider implementation.
* Exploration of re-tender of contract upon expiry rather than extension options through Kent and Essex procurement.
* We are working with a national working group led by Ian Fraser from Leicestershire Police to look at options to continue working with CLEP (Collaborative Law Enforcement procurement) or develop a police standalone framework

These outstanding mitigating risk and improvement actions are managed via the risk register and due for review by risk owner (Head of Criminal Justice) on 24th April 2019. The updates will be provided to this board

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| **ACTION** | **DETAIL** | **TARGET** | **OWNER** | **Update** | **Completed** |
| Arrange regular management meeting with Big Word and Custody. Quarterly. | When issues were identified regular meetings between business and provider were required to address failures in service. | 05/11/18 | Alex Watts | Structures process to record complaints and escalate to TBW agreed. Super-user access to IMS system arranged. SPCO details passed to EP officers to record complaints via internal comms. | 9/10/18 |
| Develop reporting process for issue. | A structure process to report issues was developed via CJ support to record, and progress complaints and failure of service to TBW. | 19/11/18 | Phil Jackson | No urgent issues are being compiled and presented to TBW on a monthly basis during meetings. Urgent issues are escalated directly with account manager Mark Lewis on the day through CJ project support. Non-urgent are compiled for the monthly meetings. | 09/11/18 |
| Arrange schedule for performance scrutiny. Monthly. | Monthly meetings arranged to progress complaints, discuss performance and AOB. | Ongoing | Alex Watts/A/Ins Jackson | Meetings are ongoing and scheduled monthly as per agreement. Once situation stabilizes then to be quarterly or telephone conference calls. | 09/11/18 |
| Introduce backup provisions for interpreters | Due to lack of service provisions a secondary supplier was sought to cover service failures by TBW and to streamline a process for contacting provider. | 05/11/2018 | Phil Jackson | Meeting was held with APCI who agreed to allow the use of their response service, and provide out of hours cover at no expense to EP. Discussions held with finance, procurement and vetting to ensure that service was fit for purpose and that any extra cost for payment of interpreters could be recouped from TBW. | 14/11/18 |
| KPI agreement and contract amendment | Meeting with procurement, TBW and CJ command to discuss KPI revision. | 12/01/2019 | Phil Jackson | Service credits discusses with procurement and TBW. No formal process for claiming or value of service credits. Mobile APP discussed and possible use of video conference service for F2F interpreting. Use of backup service discussed. Accurate MI reports being reviewed. KPI to be clarified in line with trigger points. Further meeting with progress to be discussed in 3 weeks. | Ongoing |
| Implementation of TBW mobile app for telephone interpreting. | To discuss with mobile first and TBW. | 01/06/2019 | Phil Jackson | Email sent to mobile first to obtain a SPOC/contact for liaison with TBW to discuss use and testing of mobile app to facilitate ease of use of phone interpreting by front line officers. | Ongoing |
| Use of video conferencing for F2F interpreting | Liaison between EP and TBW about possible use of system. | 01/06/2019 | Phil Jackson | Awaiting contact from TBW with details of the service they can offer, and possible MET POL testing of similar system for information. | Ongoing |
| Retender of Language and Translation Services contract | Via Procurement | 01/06/2019 | Phil Jackson | Rather than rolling into an extension, explore re-tender with better specifications, contract and KPI’s. | Ongoing |
| National Working Group looking at standalone language service provision | Custody command are part of a working group looking at options to create a police standalone language translation system | 01/6/2019 | Phil Jackson | This is an ongoing piece of work looking at the options to come away from CLEP and whether we can produce our own standalone system. The national working group is led by Ian Fraser from Leicester Police and meets quarterly to discuss progress | Ongoing |