

Title:	Interpreters	
Practice / Business Area:	Prosecution & Case Management	
Department Responsible:	Justice & Partnerships	
First Published:	23/02/98	
Last Reviewed:	31/10/19	
Next Review Date:	October 2021	This document applies to employees of the:
Version Number:	12	Chief Constable
SOUTH WALES POLICE PROCEDURE OBJECTIVE:		
To ensure that all persons contacting South Wales Police or being spoken to by staff working for South Wales Police are able to do so without being disadvantaged because of the inability to speak the English Language. This includes people with a sight, hearing or speech impairment.		
GUIDANCE:		
All aspects of this Guidance and Procedure are mandatory therefore please refer to the Procedure.		
GENERIC RISK ASSESSMENT:		
<ul style="list-style-type: none"> • Generic Risk Assessment - Custody Duties should be adhered to. • Those responsible for requesting the attendance of language service professionals (LSP) should take responsibility for ensuring their safety. • The degree of risk posed to the language service professional must be assessed and they must be briefed on any potential dangers pertaining to custody units and the detained person with whom they will be dealing. • Police officers should ensure that the language service professional can verify any request to attend a place that is not a public building – for example by providing them with a number at the police station to call back and confirm their assignment. Officers making the request should also carry out a risk assessment in relation to the language service professionals attendance. They should consider whether, for example, they should be met at a suitable place such as a police station or train station before proceeding to the property where the assignment is to take place in the company of police. They will also want to ensure the interpreter is properly briefed on the situation and that their safety is considered whilst they carry out the assignment. 		
PROCEDURE:		
<p>In compliance with the Police and Criminal Evidence Act, 1984 [PACE], the Codes of Practice and ACPO guidance on the provision of interpreter services the South Wales Police will source Language Service Professionals (LSP) to assist in communicating with persons who:</p> <ul style="list-style-type: none"> • do not understand English, or who understand English but prefer to use another language • are or appear to be deaf 		

- have, or appear to have, a speech impairment.

This policy applies to persons who are:

- Detained and are subject of a criminal investigation
- Witnesses to crimes or other incidents of interest to the police
- Persons who are the victim of crime
- Persons requiring any other information that is the duty of the police to provide

All Interpreters and translators (i.e. Language Service Professionals) must be sourced via the Wales Interpretation and Translation Service (WITS). This includes the provision for deaf, deaf/ blind people.

Detained Persons

There are two elements for communicating with detained persons:

- Interviews to secure evidence; and
- The giving and receiving of basic information (for example rights and entitlements).

Interviews to secure evidence

In order to secure evidence it is vital that a suitably qualified interpreter is used.

WITS has been created to ensure that all interpreters are fully security vetted, possess appropriate qualifications (or have passed a WITS language test) and have received specific training in dealing with police environments.

WITS are also able to access the National Register of Public Service Interpreters (NRPSI) and other language providers.

Bookings for detainees who are in custody and the case is being actively progressed should be communicated to WITS as **'URGENT'** bookings.

Between 2300hrs and 0700hrs WITS should only be contacted if an LSP's immediate attendance is required.

Requests for advance bookings should be made during the WITS office hours and should be communicated as **'ROUTINE'** bookings.

In the exceptional circumstance that WITS are unable to provide an interpreter, an interpreter may be sourced from the National Register. PSC will retain the facility to access this register.

To assist with immediate matters an interpreter may be appointed from another source, however this must be authorised by an officer not below the rank of Inspector.

The decision may be influenced by: -

- the immediacy of the requirement for an interpreter
- the seriousness of the offence
- the likely outcome/disposal of the matter [e.g. reprimand, simple caution no further action].

It should be noted that a non-WITS affiliated interpreter may not have been vetted, trained or accredited appropriately. The officer authorising the use of such an interpreter should assess the risks of using such an interpreter before authorising.

The officer authorising the use of an interpreter who is not sourced via WITS/NRPSI must record the reason[s] for their decision as appropriate, e.g. Custody Record, pocket notebook or on the revised interpreter claim form F185b

The giving and receiving of basic information (for example rights and entitlements).

When providing more basic information or simply to enable communication with a detained person, use may be made of a telephone interpreting service. The South Wales Police is affiliated with 'Language Line' who provides this service.

This service should only be used to facilitate communication of a non-evidential nature as Language Line operatives could be located anywhere in the world. They will therefore be unlikely to provide witness statements or attend at court.

Driving whilst unfit / Excess alcohol cases

In order to facilitate communication in these cases, national best practice guidelines advise that a LSP should be sourced to provide face-to-face interpretation. This should ensure the integrity of the process and wherever possible the interpretation event should also be captured with audible enabled CCTV. However, it is acknowledged that due to the immediacy of the matter, awaiting the arrival of an LSP may not be appropriate.

In these cases 'Language Line' can be used, although the risks outlined above should be noted.

WITS are also available to provide a telephone interpreting service, utilising local interpreters for these events and would therefore be considered the preferred option.

Obtaining the services of an interpreter for Court

The officer in the case is responsible for arranging for an interpreter to be present at any court hearing to be held within two working days of charge (Remand in custody application hearings).

Identification

The identity of **all** interpreters should be checked upon each occasion of their attendance, whether they are registered with WITS or not. WITS no longer issue interpreters with ID badges. All interpreters who attend appointments for the Police should be bringing with them the printed timesheet. This has the WITS logo on along with all the appointment information. Interpreters can also provide further identification with their driving license

etc. If any officers are in doubt, they can ring the WITS office at any time and we will be happy to confirm the interpreters identity and if they are a registered interpreter with us.

The 'outsourcing' of work by one interpreter to another is prohibited by national guidance and any instances should be reported to Custody Services, Porthcawl.

If the interpreter is not affiliated to WITS or any other linguist organisation identity should be established on each occasion of attendance and a PNC check and NICHE RMS check must be carried out. This must be completed before they are put in a position whereby they come in to contact with the detainee/witness or have access to any information.

Witnesses, Victims and other contacts.

In respect of victims of crime, witnesses to crimes or other incidents or any persons requiring information from the police, an interpreter will be provided, wherever appropriate, to assist in overcoming difficulties relating to differences in language spoken, or difficulties relating to any other form of physical communication.

To expedite this communication, use may be made of the telephone interpreting service.

Using this facility it is possible to complete communication with a person via a 'conference call'. The decision whether to use an interpreter should take account of the needs of the individual as well as the needs of the organisation and the community. The decision should not be arbitrary and should be proportionate and least intrusive.

When vulnerable or intimidated witnesses are involved, it is important that their needs are explicitly considered and interviewing officers must ensure that a suitable interpreter is used in the particular circumstances. Interpreters used by the South Wales Police for face to face interpreting must be sourced from the Wales Interpretation and Translation Service (WITS). WITS linguists operate codes of professional standards and competency. The procedure to be followed when an accredited interpreter is not available is outlined above.

In situations where telephone interpreting is appropriate to facilitate dialogue and understanding between a South Wales Police employee and a member of the public, language line will be utilised.

Interpreters / translators for victims of rape or serious sexual assault should **always** be sourced from WITS. WITS are able to provide female interpreters if requested.

Conflicts of Interest

The interpreter must declare any conflicts of interest to the officer in the case. The officer in the case may, where appropriate, use discretion as to whether the conflict is such as would jeopardize the interpreter's impartiality and compromise any evidence obtained during any interview etc.

If the officer in the case deems it unnecessary to call another interpreter and if all parties agree, interpretation may proceed.

In such cases a full record must be made of the circumstances and any remedial actions

taken.

In certain cases it may be prudent to source a language professional from another community / region. If this is a requirement it should be communicated to WITS when booking.

Defence Interpreters

The Lord Chancellors Department in consultation with the Law Society and the Legal Service Commission have issued the following guidance:

‘Where a defence solicitor requires an interpreter to facilitate the provision of advice between solicitor and client, a different interpreter, *where practicable*, should be used. Where this is not practicable the client may, through his or her defence solicitor, consent to the use of a police appointed interpreter’.

Where a solicitor, acting for a detainee in criminal proceedings, requires an interpreter they must be advised that such costs / fees will not be met by police.

If the solicitor wishes to use an alternative interpreter it is their responsibility to make the necessary arrangement, with police assistance if requested. The WITS service can be utilized in these circumstances.

Interview Transcripts

Short Descriptive Note

In cases where a short descriptive note (SDN) is to be submitted, there is no requirement for an interpreter / translator to be involved in the preparation of the case file. The OIC can produce the SDN using the English passages of the interview.

Record of Taped Interview

In cases where a record of taped interview (ROTI) is submitted there is no requirement for an interpreter / translator to be involved in interview transcription, although a statement regarding the interpreting event may be required. Statements should be completed whilst the interpreter is still at the police station, thereby forming part of the interpreting service. A ROTI is a summary of the interview, which includes the points to prove and salient passages. The OIC can produce the ROTI utilising the English passages of the interview.

Full Tape Transcript

In cases which require a full tape transcript a complete translation of the interview *may* be required, however this should not be assumed to be the case. Case directors should consult with the CPS before arranging for a translation to be made.

The CPS may request a transcription by an interpreter for any kind of case file where circumstances dictate

Written Statements and Translations

The procedure for obtaining statements or translations of documents is very similar to

using an interpreter in a 'face to face' environment and their services will be secured using the procedures outlined above. -

When a statement is obtained from a non-English speaking person, the original (which is signed by the maker) shall be recorded in their own language and the interpreter shall then produce and exhibit a copy translated into English.

Interpreters Claims for payment.

WITS interpreters claim payment by completion of a WITS claim form. The form must be signed as correct prior to the departure of the interpreter by a supervisory officer. The interpreter will then forward the form to WITS to arrange for payment.

Any claims for payment from non-WITS affiliated interpreters should be made by completion of form F185b

All interpreter claims for payments should be forwarded to the Force Business Centre at Headquarters.

The South Wales Police pay interpreters rates agreed with WITS and NPCC guidelines. Staff should not negotiate alternative rates with interpreters.

Audit and Inspections

The use of interpreters in respect of detained persons will be monitored by researching custody records of such persons as part of the normal custody record inspection process.

The use of interpreters in respect of victims of crime, witnesses to crimes and other incidents, and persons requiring information from the Force will be monitored through records maintained in respect of payments made to interpreters.

Concerns about quality of interpretation

Although interpreters arranged through WITS or contracted Telephone Interpreting Services (Language Line), will have been approved as regards their abilities, it is important that interpreters always act impartially and provide a quality service.

Anyone who considers a particular interpreter has failed to meet this standard will report details to Custody Services, Porthcawl.

INDIVIDUAL ROLES AND RESPONSIBILITIES

Detained Persons

The custody officer is responsible for all decisions regarding the provision of interpreters for persons detained at a police station, although other members of staff may actually make the arrangements. If there is any doubt about the need for an interpreter, the Custody Officer will err on the side of caution and arrange for the services of one to be

engaged.

Victims, Witnesses and Others

The officer in the case is responsible for sourcing an interpreter or translator to facilitate the communication between victims, witness or any other persons.

Any officer or employee of the Force who is in any doubt as to whether to make use of the services of an interpreter should liaise with a supervisor or line manager for guidance. If the supervisor or line manager decides that use of an interpreter will not take place, then such a decision should be recorded in all relevant case papers and, in the case of a police officer, in their pocket notebook.

The officer in the case is also responsible for arranging for an interpreter to be present at any court hearing to be held within two working days of charge (remand in custody application hearings).

Inspectors

The authority of an Inspector is required for all interpreters' services which are not sourced via the Wales Interpreter and Translation Service (WITS) or the NPRSI.

All interpreters who register with WITS must complete and sign the Code Of Conduct and adhere to this at all times.

Justice Services Department

The Justice Services Department will be responsible for reviewing and amending the interpreter policy as appropriate and for ensuring that any concerns regarding service provision are escalated and dealt with appropriately.

FORMS:

Custody Record – All actions in respect of the requirement for an interpreting service for a detainee should be recorded on that detainee's custody record.

Samsung PDA – Any decision to use an interpreter not affiliated to the WITS Interpreter Service should be recorded as an electronic entry.

All claims for payment made from non-WITS affiliated linguists should be made on form F185b.

LEGISLATION & REGULATION:

- <https://www.gov.uk/government/publications/pace-code-c-2014>
- <http://www.legislation.gov.uk/ukpga/2010/15/contents>