This submission focusses specifically on the current situation and potential situation for Deaf clients and the sign language interpreting services that enable Deaf clients to access employment.

1. Introduction

1.1 Sign language interpreters play a key role in enabling communication between Deaf and hearing people in the workplace. Access to Work (AtW) provides a commendable Government grant which some Deaf people utilise to fund the interpreting service they require to undertake employment.

1.2 Unlike other support workers contracted to provide workplace support, interpreters are highly qualified professionals, who will have studied interpreting to post-graduate level. This quality of communication is vital in order for Deaf employees fully to engage with their task, meet their employment requirements and to have a ‘voice’ in the workplace.

1.3 A Communication Support Worker provides a much poorer standard of service and indeed AtW’s own guidance recommends the use of registered, qualified interpreters. Despite this, Deaf employees are being told to use a ‘Communication Support Worker’ (CSW) as a cheap alternative (see ASLI’s report ‘Equality of Access’ for the risks inherent in using unqualified, untrained interpreters). Historically, Communication Support Workers (CSWs) have been involved in the provision of support for D/deaf students within Educational settings, but are increasingly being employed within the AtW field. CSWs are often only qualified to level 2 British Sign Language (if we compare this to a qualification in a foreign spoken language, e.g. GCSE French, it would be equivalent to having a ‘conversational’ level of ability). Many CSWs also lack the requisite skills in spoken and written English. Most CSWs will not have undertaken any interpreter training: only a limited number hold an interpreting qualification. CSWs are usually not subject to a complaints or disciplinary procedure and will not be covered by Indemnity Insurance. Due to their substandard skill level and their lack of interpreter training, the use of CSWs in an AtW context is highly inappropriate.

1.4 Deaf employees who are awarded a ‘CSW budget/rate’ struggle to employ qualified interpreters.

1.5 AtW’s insistence on the use of CSWs is at odds with its official guidance. AtW guidance lists different types of support workers (AtW define an interpreter as such) and includes a BSL interpreter. The term Communication Support Worker (CSW) does not appear on this list. In sections 402- 411 (AtW guidance v24) the qualifications of BSL interpreters and their suitability for specific assignments is listed. From this document, it would appear that AtW advocate the use of registered interpreters only.
1.6 Perhaps yourselves as committee members can imagine what it would be like to have to communicate in (at best) O Level or GCSE French in your current jobs and people talking to you in broken English that means you can only talk about what you did at the weekend – that would be the effect on a Deaf employee of having to work via a CSW.

2. The ‘salaried interpreter’/ 30 hour rule

2.1 The Association of Sign Language Interpreters (ASLI) did a recent survey of its members on salaried interpreter roles: 86% of respondents (122 interpreters) stated that they would not consider a PAYE position. The reasons given were as follows:

2.1.1 Interpreting is a demanding and exhausting process, both mentally and physically. Interpreters have fought hard to achieve working conditions which allow two interpreters to be booked for assignments which are likely to last beyond 90 minutes (e.g. training, team meetings etc). The benefits of co-working not only protect the health of the interpreter, but also contribute to a better quality service to consumers. The shift to a salaried interpreter role raises a number of concerns in relation to the provision of co-workers and the potential for interpreters to suffer burnout and overwork. There is NO provision in the ‘salaried interpreter’ budget for co-workers.

2.1.2 Working within the same setting on a regular basis, with the same Deaf and hearing clients, could result in interpreters losing their existing skills and could lead to them becoming complacent, stale and de-motivated. Job satisfaction would be limited, with few opportunities for skill development, professional development and career progression.

2.1.3 There is the potential for a detrimental impact on boundaries and on professional affiliations. Both Deaf and hearing employees could have unrealistic expectations of the interpreter’s role, with the interpreter being asked to undertake work and duties outside of their interpreting role.

2.1.4 A salaried post could lead to conflict with the interpreters’ professional Code of Conduct. Interpreters will find it difficult to refuse an assignment or withdraw from an assignment due to competence issues. Interpreters are concerned about maintaining their impartiality if they are a member of staff, and question whether other parties would be confident in the interpreter’s impartiality.

2.1.5 Employees have the right to attend team meetings, team briefings, training, engage in discussions etc. For the salaried interpreter to take part in any of these activities, they will need to attend in their employee role and not as an interpreter. This will necessitate the booking and funding of an external

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1 The information in the AtW guidance is out of date, as Junior Trainee Interpreter is no longer a valid category. Senior AtW officials have been informed about the outdated information on numerous occasions. See http://www.rcpd.org.uk/ for correct information.
interpreter, something which does not appear to have been considered by Access to Work.

2.1.6 It is not reasonable to expect the interpreter to take annual leave at the same time as the deaf employee. Funding is needed to provide cover when the interpreter is on annual leave. Consideration has to be given as to what duties the interpreter is expected to undertake when the Deaf employee is on leave (or on long term sick leave). Additional funding will be required if the interpreter is off sick or on maternity leave.

2.1.7 Interpreters’ training equips them with a skillset to enable them to make a professional judgment about their suitability to take on assignments. They need to be supervised by managers who understand the interpreter’s role and the demands of the profession. There is potential for this to be undermined by a line management structure that does not take such considerations into account.

2.2 Although the 30 hour rule has recently been suspended, those Deaf employees to whom it was originally applied could not find any interpreter to take on the role. By insisting on the Deaf person employing a salaried interpreter, not only to Access to Work risk all the above, but the Deaf person will no longer be able to hold their job because no interpreter will take on such an unfavourable position.

3. Working within a shared budget

In some organisations, where there are a number of Deaf employees, individual Access to Work budgets are pooled together to cover interpreter bookings. One or more interpreters can be booked to work with a variety of Deaf individuals within the same organisation. Interpreters see the following as the advantages and disadvantages of this system:

3.1 Advantages

- Being part of a team, and gaining a deeper understanding of context, background information, collegial relationships, workplace language and jargon etc.
- More variety in the working day and an exposure to different challenges. This aids professional development and allows for a continued interest in the assignment.
- Flexibility in service provision and cover for ad-hoc/ emergency situations.

3.2 Disadvantages

- One interpreter may not be sufficient for the number of deaf clients in the organisation.
- Potential for overwork, due to insufficient breaks between jobs with different clients.
- Conflict from divided loyalties/ priorities.
• Access to Work may insist that the organisation therefore employs the interpreters. There are very few interpreters who wish to be salaried, for precisely the reasons outlined above in Section 2.

4. Administrative matters

Interpreters are experiencing a number of difficulties with the AtW system, including procedures for invoicing, the acceptance of terms and conditions, and the processing of claims and payment. The following issues are a particular issue:

4.1 Co-working

Interpreting can be a demanding and exhausting process, both mentally and physically. Interpreters have fought hard to achieve working conditions which allow two interpreters to be booked for assignments which are likely to last beyond 90 minutes (e.g. training, team meetings etc.). This is referred to as co-working. The benefits of co-working not only protect the health of the interpreter, but also contribute to a better quality service to consumers.

4.1.1 AtW have refused to fund co-workers – this has happened to most of the interpreters I know. The ASLI survey confirms this. Cost seems to be the determining factor. This is at odds with Access to Work guidance.

4.1.2 Other co-working issues include health and safety, responsibility for funding the co-worker, and a lack of flexible funding to pay for lengthier, ad-hoc bookings.

4.2 Terms and Conditions

4.2.1 Clarity is needed as to with whom the interpreter’s terms and conditions are contracted.

4.2.2 AtW are refusing to pay travel and car park charges.

4.2.3 AtW are refusing to pay cancellation charges (over 40% of interpreters have experienced this), despite their guidance stating they will pay cancellation charges if the deaf person submits a sick note.

4.2.4 All the interpreters I know have had their hourly rate refused on several occasions. While there is always the odd cowboy or greedy person, as in any profession, the vast majority of interpreters simply want to be able to pay their mortgage and be paid an appropriate rate for the highly complex task they perform.

4.2.5 There are problems with late payment charges not being met (e.g. when an invoice is not paid on time).

4.2.6 There are problems with AtW refusing to pay interpreter’s hourly rate (huge variation in both the hourly rates AtW state they would pay (£19-45), and the hourly rates they refuse to pay (£25-45).
4.2.7 The AtW grant works on an hourly rate which can result in refusal to pay interpreters’ invoices in full (many interpreters charge a half or a full day fee).

4.3 Recent changes at AtW

4.3.1 I am aware that there are staff cuts and a move to centralisation for AtW, resulting in a dilution of staff skills and inadequate time to assess Deaf people’s needs appropriately. Now, there has always been remarkable ignorance in the vast majority of AtW advisors about the needs of Deaf people and appropriate interpreting provision, but many have been willing to learn. With the current job losses and insecurity, AtW advisors are overstretched and stressed, and both unable and unwilling to spend time trying to understand Deaf people’s needs.

4.3.2 The focus of AtW used to be on supporting as many Deaf and Disabled people as possible in work, with a concomitant saving to the Welfare State. The focus has now shifted to spending as little money as possible, to making significant savings, and a complete disregard for the impact (i.e. unemployment) on Deaf and Disabled people. This is not only a breach of the Equality Act (and no Impact Assessment has been made of these actions), but extremely short sighted, given the rising unemployment figures and costs that will result from this.

4.3.3 There are also rumours that the government wants to conflate AtW with the Apprenticeship scheme, in effect using the AtW underspend to fund the shortfall on Apprenticeships. So Deaf people will suffer purely due to the squeeze placed on the AtW budget as a result of this.

5. Summary

5.1 In general, interpreters have a strongly negative perception of the 30 hour policy, seeing it as being detrimental to their professional practice and as undermining their ability to maintain the required standards of their profession (i.e. NRCPD Code of Conduct and the National Occupational Standards). Most interpreters will therefore not take on this role.

5.2 If there are some (probably trainee interpreters) who are willing to take on the salaried interpreter role, it could potentially have a serious harmful impact on the skills, health and career of those interpreters. The role could lead to conflict with the interpreter’s professional Code of Conduct, could result in interpreters taking on inappropriate additional, non-interpreting tasks and is likely to present a serious challenge to the interpreter’s impartiality. Trainee interpreters in particular are more vulnerable to the pressures of the workplace and to not standing up for their needs as an employee. It would also lead to a less professional and poorer quality service for the Deaf employees, putting them at a disadvantage in the workplace.
5.3 AtW policies, procedures and guidance are not being applied in a consistent manner, leading to confusion for all those who have to engage with the scheme.

5.4 The lack of provision of two interpreters for specific assignments can impact on the quality of the interpretation and puts the health and safety of the interpreter at risk.

5.5 The use of CSWs within the AtW setting is inappropriate and presents risks in terms of both Deaf and hearing employees’ access to quality communication support.

5.6 There is a reluctance on AtW’s part to fund appropriately qualified interpreters, citing cost as the main factor. However, the AtW funds are UNDERspent, year on year.

5.7 Cuts in AtW staff are resulting in increased ignorance about Deaf employee’s needs and appropriate interpreting provision.

5.8 There is a suspicion that this is driven by recent changes in AtW’s focus from enabling Deaf and Disabled people in the workplace to spending as little money as possible. This is in breach of the Equality Act and will cost much more in the medium to long term.

6. Recommendations

I have looked at the recommendations made by the professional body, ASLI. I support them and have added them below, with my own additions in italics:

6.1 Implementation of salaried interpreter policy to be suspended, pending a full consultation with service users and service providers as to the practicalities and realities of its application. The issues of CPD, line management, and annual leave, sick leave etc. to be fully considered when looking at a salaried interpreter post. Any shift to a salaried interpreter status must be preceded by proper consideration of the interpreter’s status as an employee and the appropriate funding factored in so that they can fully participate as a member of the workforce (note: On the 14th May 2014 the Minister for Disabled People announced a review of Access to Work’s impact on Deaf people and suspended the ‘30 hour’ rule).

6.2 AtW to recognise that the professional, qualified status of interpreters differentiates them from ‘support workers’, and that this professional status is reflected in the quality of the service provided and the costs incurred.

6.3 Interpreter awareness training to be made available for all employees and for AtW advisors. This would not only enable appropriate quality of provision to be made, but
also would inform the AtW advisors about what consists of excessive (in terms of hours or cost) claims for interpreting services.

6.4 AtW advisors to understand and appreciate the need for two interpreters for specific assignments and this provision to be adequately funded.

6.5 The ‘CSW budget’ to be withdrawn. The need for qualified, registered interpreters should be recognised and the AtW budget should reflect this.

6.6 AtW policies, procedures and guidance to be simplified, made publically available, and to be applied in a consistent manner.

6.7 Utilisation of video interpreting services. Whilst this is not an answer to all interpreting scenarios that can occur in the AtW domain, there is undoubtedly scope for some interpreting to be provided through this medium.

6.8 AtW to consult with the interpreting profession regarding standard industry practice with regards to fees and terms and conditions.

6.9 Better use of specialist interpreting agencies, i.e. agencies who provide chiefly sign language interpreters, are aware of the needs of Deaf people and how to communicate with them, and are aware of the appropriate levels of provision of sign language interpreters for e.g. co-working. The provision of interpreters through an agency can be an efficient way of supporting Deaf employees, particularly when the workplace employs more than one Deaf person. If the agency has its own staff team, they can offer the client a choice of interpreters to meet their specific needs, can match supply to demand, and can also provide flexibility e.g. covering holidays, illness etc. Obviously the issue of overheads and additional costs has to be taken into account, but this method of provision can mean that the Deaf employee is relieved of the burden of sourcing interpreters and some of the administrative work is also reduced.

6.10 Alternatives to agencies to be considered, e.g. online booking systems such as BSL Beam².

Further Information


² BSL Beam: For a fee of £50 a month, bookings can be posted to the portal and interpreters' availability can be seen at a glance. Interpreters can nominate themselves for bookings, or the client can contact interpreters who appear to be available on a required date.