Executive Summary

- Interpreters have a strong 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). 86% of interpreters who responded to this question in the ASLI survey stated that they would not undertake a full-time salaried role. The salaried interpreter role could potentially have a serious harmful impact on the skills, health and career of 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.

- The '30 hour rule' was imposed without any consultation with stakeholders and service providers, was poorly thought through and demonstrates the level to which senior AtW policy makers and ministers are unaware of the complexity in providing interpreters through the AtW scheme. No proper research has been undertaken in terms of the feasibility of salaried interpreters, the adequacy of the recommended salary, or the practical implications of such a shift.

- 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.

- 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.

- 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.

Introduction

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. Unlike other support workers contracted to provide workplace support, interpreters are highly qualified professionals (see Appendix 1, Routes to Registration), who will have studied interpreting to post-graduate level, and who belong to a registering body which governs their conduct.

2. This response is from the Association of Sign Language Interpreters (ASLI), one of the professional bodies representing sign language interpreters in the UK. We have a membership base of 500 individuals, which includes qualified interpreters, trainee interpreters and supporters of our organisation. The
The response outlines the main concerns of interpreters who undertake work funded by the Access to Work scheme, and is based on a recent survey of ASLI members, together with information collated through the ASLI discussion forums.

Sign Language Interpreters in the UK

3. There are currently 876 Registered Sign Language Interpreters (RSLI) and 240 Trainee Sign Language Interpreters (TSLI) registered with the National Register of Communication Professionals Working with Deaf and Deafblind People (NRCPD). There are no official statistics on the employment status of these interpreters, but knowledge of the profession indicates that the majority will be working as self-employed, with approximately 60-100 employed in a PAYE salaried position (e.g. as agency/council/university staff). In her 2013 survey of the wider interpreting profession, Mapson found that 73% of interpreters (of 335 respondents) were self-employed. Significantly, over 80% of the interpreting profession is female, which results in a demand for flexible working patterns by those responsible for childcare. Freelance interpreters determine their own fees and charges. ASLI provides a template as guide to assist interpreters to create their terms and conditions, but believes that its members have autonomy when making decisions about their individual pay and working conditions.

4. There are currently insufficient numbers of registered sign language interpreters to meet the demand of deaf employees on a salaried basis. Sign language interpreters are not only employed in AtW settings but work across a variety of domains (healthcare, education, legal etc). A move to salaried AtW employment for interpreters would therefore ultimately be to the detriment of Deaf individuals in other settings.

5. Whilst many individuals undertake qualifications in British Sign Language (BSL), very few go on to attain a level needed to function as an interpreter. During 2012/2013 (the most recent statistical data from NRCPD) an average of 743 people passed their Level 2 BSL Language exam. In comparison, only an average of 26 people were assessed as competent to join the national register of interpreters, with a 100% pass rate at NVQ level 6 Interpreting. Statistics provided by the NRCPD show a definite reduction in the numbers of people registering for, and being assessed at, higher level BSL courses. Far fewer students go on to qualify and work as genuine, registered interpreters. As a general guide, of the average number of candidates that register for Level 1, only three in one thousand satisfy the standards and go on to reach registered qualified status by passing NVQ level 6 Interpreting. There may be many personal reasons that prevent people from progressing beyond Level 2 BSL (where the numbers drop quite drastically from 3000 people to 500 people) but it suggests that whilst learning BSL to a basic conversational level is relativelyachievable, very few candidates are assessed as competent to work as interpreters.
6. Only individuals who have passed NVQ level 6 interpreting or who have completed a post graduate qualification in interpreting will have had any interpreter training and are therefore recognised as having the credentials to register with the NRCPD and to work as interpreters. As with spoken languages, anyone can have a degree of fluency, but not everyone can become an interpreter. It is important to note therefore that not all ‘signers’ can be interpreters.

The ‘salaried interpreter’/ 30 hour rule

In the recent (2013) ASLI survey 86% of respondents (122 interpreters) stated that they would not consider a PAYE position. The reasons given were as follows:

7. 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.

8. 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.

9. 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.

10. 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 interpreter, something which does not appear to have been considered by Access to Work.

11. 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.

12. 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.

13. 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.

14. Undertaking employment on a freelance, self-employed basis enables interpreters to schedule their work pattern so as to avoid many of the negative aspects inherent in the salaried interpreter role.

**Working within a shared or pooled Access to Work 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. There are both advantages and disadvantages to this system:

15. **Advantages**
   - The interpreter is part of a team, and can gain a deeper understanding of context, background information, collegial relationships, workplace language and jargon etc.
   - There is 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.
   - There is flexibility in service provision and cover for ad-hoc/emergency situations.

16. **Disadvantages**
   - It can be difficult to ensure that the needs of all Deaf clients are met (due to the varying communication needs of deaf employees and their different workloads).
   - One interpreter may not be sufficient for the number of deaf clients in the organisation.
   - There are competing demands for the interpreter’s services, with Deaf employees being reluctant to ‘share’.
   - There is the potential for overwork, due to insufficient breaks between jobs with different clients.
   - The interpreter can face conflict with divided loyalties/priorities.

**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 were highlighted.

17. **Co-working**
   - 20% of survey respondents stated that AtW had refused to fund a co-worker on at least one of their assignments. Cost seems to be the determining factor. This is at odds with Access to Work guidance.
• 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.

18. Terms and Conditions
• Clarity is needed as to whom the interpreter’s terms and conditions are contracted with.
• AtW are refusing to pay travel and car park charges.
• AtW are refusing to pay cancellation charges (over 40% of interpreters have experienced this).
• 49% of survey respondents stated that their hourly rate had been refused.
• There are problems with late payment charges not being met (e.g. when an invoice is not paid on time).
• There are problems with AtW refusing to pay interpreter’s hourly rate. There is a huge variation in both the hourly rates AtW state they would pay (£19-45), and the hourly rates they refuse to pay (£25-45).
• 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).

Use of Communication Support Workers

19. AtW’s own guidance recommends the use of registered, qualified interpreters. Despite this, Deaf employees are being told by Advisors 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, CSWs have been involved in the provision of support for D/deaf students within Educational settings, but are now increasingly being employed within the AtW field. CSWs are often only qualified to level 2 BSL (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. CSWs are usually not subject to a complaints or disciplinary procedure and will not be covered by Indemnity Insurance.

20. Interpreter training is intrinsic to the profession of interpreting. It is not sufficient to only have a working knowledge of the different languages involved; interpreters must also have a thorough grounding in issues such as ethical and reflective decision-making, professional boundaries, and translation techniques. Due to their substandard skill level and their lack of interpreter training, the use of CSWs in an AtW context is highly inappropriate. Deaf employees who are awarded a ‘CSW budget/rate’ struggle to employ qualified interpreters. AtW Advisors’ insistence on offering a ‘CSW’ rate can lead to untrained and unregistered individuals being exposed to considerable risk and harm, as they are not qualified to manage the demands of workplace interpreting.

21. AtW’s Advisors’ persistence regarding the use of CSWs is at odds with its official guidance. AtW guidance lists the different types of support workers
that can provide support to disabled employees, and this list includes a BSL interpreter. The term Communication Support Worker 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.

Recommendations

ASLI recommends the following:

22. 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).

23. 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.

24. Interpreter awareness training to be made available for all employees and for AtW advisors.

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

26. The ‘CSW budget’ to be withdrawn. The need for the use of NRCPD registered interpreters should be recognised and the AtW budget should reflect this.

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

28. 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.

29. AtW to consult with the interpreting profession regarding standard industry practice in relation to fees and terms and conditions.

30. Better use of specialist interpreting agencies (i.e. agencies which primarily provide BSL/English interpreters, and have an awareness of the cultural/access issues facing Deaf employees). The provision of interpreters through a specialist, Deaf-aware 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

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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.nr cpd.org.uk/ for correct information.
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.

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

32. In the long term, proper attention to be given to the funding and training of interpreters, so that provision is of a sufficiently high quality to enable effective workplace communication between Deaf and hearing employees.

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.
References


