Written evidence submitted on behalf of the members of the National Union of British Sign Language Interpreters (NUBSLI), a branch of Unite the Union (ATW0293)

This response links specifically to inquiry items 2 - The adequacy of ongoing support, & 4 – Access to Work (AtW’s) effectiveness.

We will be focusing on how recent changes to the AtW system are affecting our ability to provide a professional service to Deaf users due to changes in our working terms and conditions, and how these changes will impact on the supply of appropriately qualified interpreters, without which Deaf people are severely impeded in securing a job, staying in employment and developing their careers. This includes:

- Reducing the supply of BSL interpreters to Deaf people in AtW settings
- Fixing rates well below the market average
- Changes to travel allowance
- Changes to interpreters working practice
- Refusal of provision of co workers.
- Creating a situation where interpreters must become employed to work with AtW customers and the issues this creates
- Not considering the long term implications on the profession / Creating conditions that are likely to lead to skilled individuals out of the profession
- No consultation with interpreters
- Inconsistency
- Support Workers - terminology
- Communication Support Workers

1. Reducing the supply of BSL interpreters to Deaf people in AtW settings.

Due to implementation of the recent 30 hour ‘rule’ and changes being made to BSL provisioning, BSL Interpreters report that they are doing less work in AtW settings has reduced. There is a shortage of BSL interpreters in the UK, therefore by no longer making it viable to interpreters to work with AtW customers they are providing their services elsewhere. Viability is not merely linked to fees, but as BSL interpreting is still a female dominant profession, the flexibility of working hours is a major consideration. Taking up full time employment is not possible. The affect of all this is a reduction in the number of interpreters for deaf people to use.

2. Fixing rates well below the market average

The rhetoric from the DWP around BSL interpreters is that they are too expensive. A decision was made to fix the rate for deaf AtW users at the equivalent hourly rate as if they were salaried interpreters, at around £18 per hour.

This was considered a salaried rate (though no consultation was carried out and no research evidence is available showing where this information was gathered). Currently,
BSL interpreters earn an average of £35 per hour.

From this amount a freelance interpreter funds: their own ongoing training to meet their continual professional development requirements (courses etc); registration with professional bodies; membership of the register of interpreters; personal indemnity insurance, mentor/supervision costs, sick pay, holiday pay, maternity leave, travel, etc. It is also worth considering that an interpreter trains for an average of seven years prior to qualification, so these costs too are being repaid (several thousands of pounds). The market rate is a reflection of all these costs.

At this rate BSL interpreting becomes an unsustainable career for freelance professionals.

As a consequence Deaf people will not be able to access fully qualified and registered interpreters for their AtW bookings and will be left disadvantaged.

3. Changes to travel allowance

Interpreters are no longer paid travel allowance. With the continual increase in fares this is adding another cost that interpreters are having to absorb and in real terms means another cut to income. This is disadvantaging Deaf people who work outside London where interpreters have to travel greater distances. Interpreters can’t afford to work with these individuals if they aren’t being reimbursed for their travel expenses, making it extremely difficult for some Deaf people to access the provision they need. In the past Deaf people were provided with £45 per hour to cover travel etc. AtW are now saying that this amount is for people who use agencies to book interpreters to cover their costs - this is disadvantaging Deaf people who are trying to save money by booking interpreters directly and is illogical.

4. Changes to interpreters working practices

Interpreters work in either full or half day blocks. This has been the interpreting professions practice for some time and is necessitated by the complexity and nature of the work. It is a structure that all interpreters adhere to (see ITI or ASLI website for more information). Despite this, ATW book interpreters in an hourly rate. This has led to interpreters requiring a three hour minimum booking in order to protect themselves. AtW in not following the professions’ practices, affects Deaf peoples ability to book interpreting support and limits the time they can use interpreters. In one example received, an interpreter was asked to be booked in two three hour slots rather than a full day, meaning he was being asked to work hard continually without allowing for the adequate break that a lunch hour provides. This not only places the interpreters health and safety at risk but means the service being received by the Deaf user is substandard due to fatigue.

5. Refusal of the provision of co-workers

BSL interpreters are at high risk of developing Repetitive Strain Injury (RSI) - a lifelong health condition.
In refusing to provide co-workers as required (co workers are needed as the act of interpreting is both physically and mentally demanding and cannot be sustained for long periods), AtW are putting interpreters Health & Safety at risk, as well as severely affecting the interpreters ability to interpret (due to fatigue) meaning the Deaf user will not be receiving all the information and errors are likely to occur.

Further, the already limited pool of interpreters will be diminished as BSL interpreters who develop RSI will be unable to work. Health and Safety should not be being compromised due to monetary constraints. This is unethical.

The need for co workers is in the guidance, stating:

*Interpreters cannot be expected to work for more than two hours without a break, if an event will require continuous interpretation for more than two hours two interpreters will be required.*

Having acknowledged that co workers are needed it is often not happening in practice. In one example a Deaf person was told "we say they are needed, not that we will fund them". This is a change to AtW practices.

6. Forcing interpreters to become employed and the issues this creates

AtW guidance says that in general for people who require an support worker for 30 hours plus should employ one. This has been applied to Deaf customers who require interpreters. This is untenable for the following reasons:

- Interpreters would become deskillled, working with only one individual, losing their skill, knowledge and expertise that they work hard to gain.
- Boundaries and confidentiality would become an issue (Deaf people have the right to confidentiality - a single interpreter being present at staff appraisals, supervision etc, would compromise this)
- Health & Safety - it would be more difficult for a staff interpreter to ask for breaks etc.
- It wouldn’t allow for interpreters to access appropriate training and suitably qualified supervision.
- Issues relating to sickness and holiday leave - would the interpreter be expected to come in etc.
- Expected to carry out additional roles. Guidance says that AtW cannot be used to benefit the company or individual and should only provide the support specified. This would be difficult for an interpreter to sustain if their manager were demanding other tasks be undertaken.

Another issue is who the employer is. AtW is a discretionary grant issued to an individual. If the Deaf person is the employer then they become liable for ensuring a tax and NI contributions are made as well as ensuring the interpreter is paid. This is an unfair added pressure for Deaf people.

Further to this, the guidance itself shows that employment isn't a workable option due to the mention of sickness/holiday cover and the need for co workers.
This gives a contradictory message.

**7. Not considering the long term implications on the profession / Creating conditions that are likely to push skilled individuals out of the profession**

BSL Interpreting is a highly skilled job. Training takes on average seven years. There is currently a shortage of interpreters in the UK. Changes that government make to interpreting provision will potentially reduce the numbers of interpreters further and mean that in other areas of need: health, police, court etc, Deaf people will be being placed at risk as no suitably skilled professionals will be available. It will also mean that people will be put off from training to become an interpreter.

BSL interpreting remains a female dominated profession. Working freelance allows working mothers and other people with caring responsibilities to continue working flexibly. Some of the changes suggested (e.g. employment) will therefore simply not be possible for a large number of interpreters.

The effect once again is that Deaf people will lose skilled professionals resulting in a reduced number of interpreters available, impacting in access to health, police, court etc.

**8. No consultation with interpreters**

No work has been undertaken by the DWP to consult with either Deaf people or interpreters. No impact assessment was carried out and no evidence can be produced regarding the salaried amount being fixed at £30k.

**9. AtW relationship with interpreters**

AtW have made a number of retrospective decisions or stopped paying invoices for one of many reasons but not told the Deaf person or the interpreters. Interpreters who have worked in good faith aren't being paid for the work they've done.

When interpreters try to clarify what is happening or chase payment, AtW refuse to talk to them as they don't have a direct contractual relationship with them, even though in many cases it is AtW making direct payments to the interpreters. This puts interpreters in the position of having to sue the Deaf people who they work with in order to be paid. Interpreters don't want to do this, particularly when it's evident that the Deaf person has done nothing wrong. This also leaves AtW customers in a vulnerable position because they are contractually liable for the payment and work done but have no control over the income or budget that pays for that.

**10. Inconsistency**

Consistency of decisions has always been an issue with AtW, however, the situation has further deteriorated as a result of the recent changes. Some interpreters are being paid at the £35 per hour rate, other are being offered £18 per hour - even within the same organisation.

**11. Support Workers**
In AtW guidance, interpreters are covered by the blanket term "support workers". This is not appropriate as it does not fully represent the level of skill and expertise these professionals possess. It also gives a confusing message to AtW advisors, who without additional information/training, would not understand the difference between an interpreter and a communication support worker.

It takes seven years to train as an interpreter, yet support workers receive between a week - one months training. The two are not commensurate and should be separated.

12. Communication Support Workers (CSWs)

AtW has been pushing some deaf people to use Communication Support Workers. To become a CSW an individual normally merely needs to obtain Level 2 BSL, although that isn’t always required.

To give some indication - the level two curriculum covers; holidays, directions, food and drink etc. this is not adequate to communicate in the work place. This places deaf peoples opportunities at risk. Without the support of fully qualified interpreters, deaf peoples access is being compromised. This in turn effects their ability to gain, maintain and succeed in their chosen career.

Communication Support Workers are not trained and qualified as interpreters, and so can’t work to the level of Registered Qualified Interpreters.

There is in fact no minimum standard of language skill, and no interpreter training or assessment, since there is no accepted definition of the work of a CSW, other than they interpret.

A real risk is that Deaf people can’t hear what a CSW ‘interprets’ into English, and so are unable to know if the CSW is getting the interpretation wrong.

That CSWs are being used puts at risk the ability for Deaf people to continue and progress at work, since whatever their skill they are having to understand and communicate through someone of limited fluency and variable skill.

Recommendations:

• The 30 hour rule is scrapped with immediate affect.

• Deaf people and interpreters are fully consulted on any policy and/or guidance that affects their working practices.

• An equality impact assessment is carried out before guidance is implemented or changed.

• Interpreters skill and expertise is recognised and no longer incorporated in the term "support worker".

• AtW immediately need to work on rebuilding trust with interpreters who have undertaken work in good faith and not been paid. Interpreters need a formal
relationship to be established with the DWP and AtW.

• Retrospective decisions stopping deaf peoples support where neither the deaf person or interpreter are aware and interpreters continue to work without being paid to stop. AtW should inform the Deaf person and interpreter of any changes that would affect payment to prevent interpreters from continuing to work and not being paid and deaf people incurring debt.

• AtW, deaf people and interpreters need to work collaboratively to ensure the standards and working practices are maintained and of advantage to all parties.

• Minimum standards are agreed for interpreting provision.

• Co worker provision is reinstated immediately and incorporated into any new policy/guidance ensuring the ongoing protected health & safety of interpreters.

• Consistency is improved.

• Contractual obligations need to be clarified and/or revisited - Is the deaf person liable for paying the interpreter? Is the deaf person aware of this? How will the interpreter know an agreement is in place?

• Travel costs must be covered to ensure that deaf people or interpreters who live in rural areas aren't being disadvantaged. Currently AtW guidance asks interpreters to include travel costs in their fee. This distorts the cost of the interpreter and disadvantages deaf people and interpreters who live in rural areas. It also skews the cost for deaf people and interpreters that have to travel as part of the job.

• AtW need to develop a relationship with interpreters so interpreters are able to chase payments. AtW won’t accept inquiries from interpreters without the deaf person’s involvement as the contractual relationship is with them, despite AtW making payment directly to the interpreter in some cases.

• Processes need to be made transparent - claims/payment/invoicing procedures are sent to both deaf people and interpreters. Interpreters & Deaf people can then protect themselves against fraudulent activity.

• AtW must be made accessible to deaf users.

28 June 2014