

The PIA Bulletin, January 2012

A statement on behalf of the previous board of the PIA

£24,309.61 was raised for the NW judicial review.
£24,234.40 was paid in legal fees, leaving a balance of £75.21.

After the 11th January, the balance was used for the preparation of the second judicial review, for which the PIA instructed LeighDay solicitors and paid them £14,500 in total. This sum was from donations from colleagues paid directly into the legal fund as well as money collected at the September 2011 meeting in London.

I want to state the following:

1. PIA's position was explained on the NRPSI_action_group (Yahoo) forum on numerous occasions in great detail. Message No 29646 for instance analyses the situation thoroughly, including the reasons for Mikhail's and my resignation.

2. The £14,500 paid to LeighDay included fees for several letters to the MOJ, the solicitors' preparation of the grounds for the JR, as well as two barrister's written opinions.

3. The first letter sent to the MOJ by LeighDay related to the absence of an Equality Impact Assessment, which was the ground for quashing the NW contract. As a direct result of LeighDay's letter, the MOJ started an EIA by sending a letter to stakeholders on the 30th March.

4. The MOJ did not intend to carry out an EIA, they informed me of this in September 2010. The original letter from Richard Mason states that the first contracts would be signed in the autumn of 2010 and finalised in early 2011. There is no doubt that the NW quashing order and LeighDay's letter-before-action delayed the contract by a year. Please remember that every job you have had between February 2011 and now would have gone to ALS had the PIA not instructed these solicitors.

5. The grounds for the second judicial review were completely different from the NW one. It was risky

but do-able (read message No 29646) and it could have delayed the contract even further. The MOJ only signed the FA once the JR was out of time. We can only guess what would have happened to ALS had the contract been delayed by another year. If only we had the money, we could have at least tried.

There was no guarantee the money donated to the PIA Legal Fund would be returned. The donations were put to good use and I am satisfied that we managed to delay the contract and to provide direct work for all RPSIs for another year.

Zuzana Windle, 1st January 2012 (Shortened by JP)

The new board of PIA thanks Zuzana, Mikhail and Farid for all their time, effort and enthusiasm put into this and other projects during their term in office.

Framework Agreement and SLA

Q: All these contracts and frameworks are very confusing. Why has the Framework Agreement been awarded for 4 years for £300,000,000 and the Courts Service Level Agreement is awarded for 5 years for £125,000,000? And if the later was signed on 31 October 2011, why is ALS not providing interpreters to courts nationally?

Possible answer

It may have been made confusing deliberately, to make accountability for the public procurement decisions difficult.

The 4-year Framework Agreement (FA) is valued at €300mil (not pounds) because the MoJ estimated interpreting costs were about £60 million per annum across the whole criminal justice sector. On top of that there is interpreting for the Tribunals Service.

Multiply that by 4 years and then multiply that by the £ to € exchange rate and you get in the region of €300mil value of the whole FA over its 4 years lifetime.

The idea mentioned at the procurement stage was that the preferred Contractor will supply the whole of CJS in England and Wales, and the

Tribunals Service across the whole of UK, so that this whole spend of €300 million will go to them.

In reality, what we see is that only a fraction of CJS will have individual Service Level Agreements (SLA's) under the FA.

At the moment (January) there are only 3 police forces that have SLA's under the FA. NW forces are in the process of moving from the original NW Framework to National FA and the NW part of the Court Service have started with ALS under the FA.

The FA may never cover the whole CJS for a simple reason; there are other significant outsourcing contracts in place (CINTRA in East Midlands until at least 2015, LL in South East until at least 2013, WITS in Wales). The biggest single spender on interpreters (Met Police) indicated that they will not be signing up to FA and will continue to engage interpreters directly.

If the Met spends something like £5-10 mil per annum on interpreters, it is about 10-15% of the reported £60mil entire national spend on CJS interpreters! So if Met alone is not part of the FA, one can easily knock off €25-40 million off the total value of the FA!

The MoJ FA contract so far (January) seems not to cover the entire Court Service either. It appears that ALS simply has not enough interpreters in parts of the country away from the NW. It is not clear when it will have enough, because even in West Yorkshire there is no clarity on when these Courts will switch completely to ALS.

Another illusion seems to be caused by calculating the value of the FA by simply multiplying the estimated annual current spend by the 4 year lifetime of the FA. The MoJ conveniently forgot to include the estimated and expected savings of at least £17mil a year that ALS promised them!

So it appears the value of €300mil for the FA was perhaps deliberately put up by MoJ to give the impression to potential ALS investors / buyers that this company has a really massive, secure, public-sector contract with an estimated whopping €300mil cash-flow over the 4 year lifetime.

Now, about the £125mil Court Service / ALS SLA that is for an inexplicable 5 years duration. SLAs under the FA cannot have a term beyond that of

the FA simply because core provisions of the FA form an integral part of each individual SLA. In the NW, all the SLA's that were signed with ALS did not have a date beyond the original NW Framework. So this appears to be a clear breach of procurement principles!!!

(Composed from forum replies)

Police

Here is the current list at the end of January 2012 of constabularies that work with ALS under the original North West Framework:

- 1) Cheshire (since April 2009)
- 2) North Wales (since July 2009)
- 3) Merseyside (since Aug 2010)
- 4) Cumbria (since Aug 2010)

Police forces that used to work with ALS under the North West Framework but now work under the MoJ Framework Agreement:

- 5) GMP (reportedly since Jan 2012)
- 6) Lancashire (reportedly since Jan 2012)

Police forces that started working with ALS under the MoJ Framework Agreement:

- 7) West Midlands Police (since 28 Nov 2011)
- 8) West Yorkshire Police (since 28 Nov 2011)
- 9) Staffordshire Police (since 28 Nov 2011)

Courts

A Listing Officer recently emailed a colleague: "HMCTS as part of MoJ is contracted to use this supplier under the terms of the framework agreement." This potentially means that ALL courts and tribunals have now been instructed to use ALS exclusively.

Regional Court Service in the NW region (over 70+ Crown and Magistrates' Courts) recently switched over to ALS in Dec 2011 or Jan 2012.

West Yorkshire Courts were introducing ALS interpreters, operating alongside the "old system", in January 2012.

Courts in Derbyshire and Nottinghamshire are booking via ALS from Monday 30th Jan 2012.

London's Met Police interpreters call centre is booking court jobs through ALS from Monday 30th Jan 2012.

London Crown Courts are not changing until the middle of 2012.

Also reported as having changed:

London, Thames Valley, Avon & Somerset, Hampshire, Surrey, Kent, Sussex, Dorset, Gloucestershire, Bedfordshire, Essex, Gwent, West Midlands, Tyne & Wear, Humberside and Lincolnshire.

What should RPSIs do now?

As well as ALS, other agencies are being asked by courts to supply interpreters and they are calling RPSIs. This is mainly to fill in the gaps left by ALS. We should be very careful answering any direct enquiries to find out what the job is, who will be paying us, what is the fee etc. Don't be too quick to reject a job offer; it may be a solicitor or Witness Care, or a community job etc. Always get a name and confirmation for any job you agree to.

Think twice about filling any hole left by ALS. One way of looking at this is to accept the MoJ has told HMCTS to switch over from using NRPSI to using ALS. They have discontinued the National Agreement. Should those 3 out of every 5 RPSIs who will not register with ALS (<http://goo.gl/q9WHM>) now accept left-over jobs and help the criminal justice system switch over more easily? Think about it.

(In) action

We are freelance, self-employed interpreters. We choose our work and hours. Consider what many colleagues are already thinking: **Choose to be unavailable for any court bookings in February.**

There will surely be phone calls to run around at the last hour to fill a court job that was not filled by the new system. Ask yourself: Do I need to go? Will it benefit my future? Will I get paid?

And if the police call you, check if it is from an ALS area. Those finance departments have clearly stated they will not pay other than through ALS,

even if you do put in an old form. So determine which force is calling you before you give your answer. It may be one of the remaining ones still using NRPSI or its own list.

Stay active

Now you have the time, pop in to your local court and see who turns up. You can sit in and follow the case as a member of the public. Talk to the ALS 'linguist' about their workload and find out about their £18 or £20 per hour as advertised, and about travel costs and waiting time. Record what you find out. See below.

Recording any nonsense

It is so important to record calls you get at the last hour when the preferred supplier cannot supply. Record who did what where and how working for them. The independent online reporting system at <http://rpsi.name/default> can also be used by smart-phones with internet access. These reports are building up a factual history.

Jobseekers Allowance

It is a brutal reality that because of this change in government policy some of us will have little income and will need financial support. For details about Jobseeker's Allowance visit:

http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/documents/digitalasset/dg_200090.html.

To find out about Tax Credits visit:

<http://taxcredits.hmrc.gov.uk/Qualify/WhatAreTaxCredits.aspx>

To send news to the PIA Bulletin or to contact PIA email info@profintal.org.uk

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