

# The PIA Bulletin, Issue 6, October 2014

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## About the set up of PIA

Interpreters in the Northwest of England set up PIA in January 2009 in response to four police forces' plans to outsource interpreting provision to a commercial agency. PIA's members wanted to keep their status as independent freelancers directly engaged by the police and courts in accordance with the existing National Agreement for the use of interpreters.

At this point PIA was conceived as a membership organisation, and collected a nominal membership contribution as a mandate to campaign on interpreters' behalf.

In the summer of 2010 it was decided to bring legal action in respect of the Northwest police contract. It was necessary for PIA to become a legal entity in order to bring the Judicial Review proceedings against Greater Manchester Police and others. So, PIA was incorporated.

PIA Ltd was incorporated as a Private Company Limited by Guarantee, meaning that directors' liability is limited to the sum of £1. PIA's Articles of Association are the standard ones for this form of company.

At the time of forming PIA there were ambitions to alter the articles of association to provide a mechanism for interpreter members to vote at any meetings and to formalise other membership benefits. However, they were never carried out.

Instead, whenever public meetings were held, the practice for decision making was by majority show of hands of all those present, whether or not they had paid a membership contribution or donated to the Legal Fund.

From 2010, PIA raised money for legal action by inviting voluntary contributions to the Legal Fund. Members and non-members made non-refundable donations in the order of £100, some more than this. Some gave much larger short-term loans. The contributions were collected in a specific Lloyds bank account and later transferred to a specific Natwest bank account.

## Directors' apologies

We are sorry it is nearly 2 years since our last PIA Bulletin\* but we know you are aware of the other sources of news relevant to interpreters.

A huge amount of information is shared on <http://www.linguistlounge.org> and on the Facebook group FITUK.

All the news articles are collected in PIA's blogspot at <http://tinyurl.com/newsbase>.

Rekha Narula distributes information by email and Klasiena Slaney informs members of SOMI and more by email and is also active on Twitter.

APCI keep their members up to date, too.

These colleagues do such a good job that they deserve our collective thanks.

\* Previous PIA Bulletins can be found here: <http://profintal.org/news.html>.

## PIA's revised Mission Statement

After 5 years, the way forward seems to be this:

- PIA's directors are trustees of the Legal Fund and are responsible to those who contributed to it.
- PIA does not have the resources to offer any membership benefits so collection of membership contributions is now discontinued.
- PIA Ltd should continue to exist as a legal entity for bringing legal action in support of professional interpreters.

For more about this see below.

*If you have a view on any of these, please do raise it.*

## About terminology and statutory requirements

It may be helpful to outline some terms from the Companies Act and how they apply to PIA.

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**Members:** In the meaning of the Act, the Members of a Private Company Limited by Guarantee are its directors.

**Annual General Meeting:** The statutory requirement to hold an AGM of Members means holding a meeting of the directors. It does not refer to a public meeting.

**Dormant company:** PIA Ltd is currently registered as a dormant company on the advice of HMRC. PIA qualifies for dormant status because it is not a trading company and is not liable to pay corporation tax.

## The Legal Fund - a recap

A total of 171 payments (donations and some loans) were made into the Legal Fund, raising £22,478.65.

When the previous PIA directors stepped down in 2011, the balance of funds was £3,395.00. PIA pursued recovery of some legal fees through the Legal Ombudsman, and eventually secured a refund of £22,234.40. This allowed PIA to repay the loans some contributors had made.

Following settlement of all accounts associated with the 2010-2011 legal actions, the balance of the Legal Fund was £18,257.66. The balance of PIA's Operating fund then was £4,445.00.

PIA's operating costs have been covered by membership contributions. The Legal Fund has been used exclusively to pay for legal actions and advice. PIA's directors are not paid and claim the bare minimum in expenses from the operating fund.

## From 2012 to the present

PIA does not contribute any funds to the running of the Professional Interpreters for Justice (PI4J) campaign, with the sole exception of one contribution of £100 to the joint event PI4J held in London in February 2013.

Within the PI4J campaign, PIA's directors have contributed work and ideas and PIA has shared the legal advice it has commissioned from time to time. Some of this activity was made public and some had to remain discreet.

The legal advice we received at the inception of the Framework Agreement was that any Judicial Review action would likely be unsuccessful. We were advised instead to maintain professional and political pressure on the FWA through other means, which we have done.

PIA were also told in the legal advice we commissioned that the best means of successfully challenging the FWA would be if a different organisation took action, such as one representing users of interpreting services who had been disadvantaged. To that end, in April 2012, we made available to a small number of potentially interested organisations a memorandum summarising the advice. But, despite initially seeming to be promising, no such case emerged.

PIA contributed a great deal of material to the inquiries by the National Audit Office, Public Accounts Committee and Justice Committee, and attended some meetings with the MoJ. PIA also had cause to refer some of the practices under the FWA, including agency worker status and tax avoidance, to other inquiries by the NAO and HMRC.

*See the table below for a summary of the finances.*

## Previous Legal Fund and Interim PIA Financial report

You can listen to the financial report on the Legal Fund up to May 2012 that was presented at the Birmingham meeting in May 2012.

The recording is here: [\[profintal.org/Birm\]](http://profintal.org/Birm) (time from 10:35 to 15:50).

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## Legal Fund and Interim PIA Financial report

PIA's expenditure on the projects outlined above is as follows:

	Legal Fund			Operating fund			
	In	Out	Balance	Income	Legal fees	Operating costs	Balance
Balance following settlement of 2010-2011 actions and refund by Legal Ombudsman Service			£18,257.66				£4,445.00
Sept 2011 – Sept 2012		-£2,000.00	£16,257.66	+£2,000.00	- £4,812.00	- £389.89	£1,243.11
Sept 2012 - Sept 2013	£7.29	- 4,584.00	£11,680.95	+£4,584.00	- £4,927.25	-£ 1,377.02	£477.16
Sept 2013 - Sept 2014	£4.37	0.00	£11,685.32	0.00	0.00	-£421.49	£55.67
Income from membership contributions Sept 2011- Sept 2014				+ £300.00			£355.67
<b>Balance</b>			<b>£11,685.32</b>				<b>£355.67</b>
	Legal Fund			Operating fund			

The money donated during various collections is being kept in trust by PIA in a separate bank account (Natwest: 53-61-11 • 61647403).

The balance of the Legal Fund at present is: **£11,685.32**

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## Plans for the future

PIA's directors suggest the following plan for the future and await comment and suggestion from contributors to the Legal Fund:

PIA Ltd will exist to manage the Legal Fund and to be ready as a legal entity if any case or action is brought.

Membership contributions will no longer be collected.

As a company, PIA Ltd will continue to exist in its current legal form and with its existing directors.

The Legal Fund will continue to be reserved for legal actions benefitting the interpreting profession.

Consequently, PIA's directors will maintain close contact with the PI4J campaign and if a suitable opportunity to bring a legal challenge should arise, will give access to the Legal Fund to fund it.

Interpreters can be confident their views are being heard and represented by PIA and PI4J as a whole.



<http://unitetheunion.org/interpreters>

## Possible Meeting

Since May 2012, the next public meeting of interpreters had been considered but this was not put into action. The campaign focus has changed and evolved over the years, and with so many online channels of information there was not much to add to what had already been discussed in the various fora.

Now that interpreter organisations are engaging directly with government, some progress is made from time to time. Pressure is re-applied to the Ministry of Justice (MoJ) when progress slows down. This is getting more difficult as the present government is near the end of its term of office.

Perhaps this is now the right time to call a meeting, to review the present situation and to ask the contributors to the Legal Fund for a general opinion on the way forward for PIA.

*Should we have a big meeting? Express your view in a forum or send an email to [info@profintal.org](mailto:info@profintal.org).*

## And finally

These have been difficult times for professional interpreters and resistance to the government's actions is harder to maintain.

Stay strong and keep your dignity.

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