

12/2017

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Extract from Rigsrevisionen's report on
**the authorities' use of foreign
language interpreters**

submitted to the Public Accounts Committee



1849
147.281
237
1976
114.6
22.480
908

March 2018

1. Introduction and conclusion

1.1. PURPOSE AND CONCLUSION

1. This report concerns the use of foreign language interpreters in the judiciary, asylum and healthcare systems. The Danish authorities are required to provide interpreter services, for instance, for defendants in court cases, for asylum interviews or for the communication of treatment plans to patients. It is crucial to effective and correct administration that the authorities as well as the citizens and foreigners understand each other and understand what is being said.

2. In the period from 2012 to 2017, the Danish Legal Affairs Committee, the Health and Senior Citizens' Committee and the Education and Research Committee directed a number of questions to relevant ministers concerning interpreter services provided to Danish authorities. The questions were, among other things, prompted by mention in the media of interpreters' inadequate skills. Several of the questions put to the ministers addressed how the ministers intended to safeguard the skills of the interpreters and the quality of the services they provide.

To this can be added that in the course of the past 10 to 15 years, several Danish reports and studies have demonstrated or indicated problems with the qualifications of the interpreters. Several studies mention rule of law and patient safety as significant reasons for providing access to interpreter services of satisfactory quality. Inadequate or unavailable language interpretation services may also have socio-economic consequences and lead to increased cost for case processing in the judiciary and asylum systems and treatment in the healthcare sector. From the perspective of society, and not least the individual, it is therefore important to safeguard the quality of interpreter services.

3. Rigsrevisionen initiated the study in April 2017. The background for the examination of the use of interpreters across the judiciary, asylum and healthcare systems is the fact that although the authorities share the same obligation to provide guidance and interpreter services, they administer the area differently.

Section 50 of the Danish Health Act, consolidated act no 1118 of 24 September 2016, states that the Regional Council, in accordance with detailed rules laid down by the Minister for Health, shall provide interpreter services free of charge to persons who need such services when consulting GPs and medical specialists, or receiving treatment at hospitals.

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This term refers to both the person booking an interpreter and the person who needs the service of the interpreter for a specific task. The booker and user of the interpreter service can be the same person.

4. The purpose of the study is to assess whether the effort made by the Ministry of Justice, the Ministry of Immigration and Integration, the Ministry of Health and the regions has been sufficient to ensure that interpreter services are used in a satisfactory manner. The report answers the following questions:

- Have the Ministry of Justice, the Ministry of Immigration and Integration, the Ministry of Health and the regions established a framework that supports the provision of interpreter services of satisfactory quality?
- Are the Ministry of Justice, the Ministry of Immigration and Integration, the Ministry of Health and the regions supporting public officials in meeting their obligation and ensuring that citizens and foreigners understand, and are understood by, the authorities?

CONCLUSION

It is Rigsrevisionen's assessment that the effort made by the Ministry of Justice, the Ministry of Immigration and Integration, the Ministry of Health and the regions is not sufficiently ensuring that interpreter services are used in a satisfactory manner. Rigsrevisionen has established that safeguarding interpreter services of satisfactory quality is a challenge in the judiciary, asylum and healthcare systems, irrespective of whether the public officials book and use interpreters from the list managed by the Danish National Police, from interpreter agencies, or use independent interpreters.

The effort made by the departments and regions has not been sufficient to provide a framework that supports provision of interpreter services of satisfactory quality. However, the regions have, in their joint tender for interpreter services, specified relevant tender requirements and minimum requirements to the quality of interpreter services.

The study shows that the Ministry of Justice has not defined any criteria for the quality of interpreter services provided by interpreter agencies or independent interpreters. The study also shows that the majority of the interpreters sampled by Rigsrevisionen from the list managed by the Danish National Police, do not meet the requirements to be on the list set by the Ministry of Justice. This entails a risk that the interpreter services provided to institutions in the judiciary and asylum systems are not of a satisfactory quality.

The Ministry of Justice has defined a number of requirements to be on the list of interpreters, including, for instance, that interpreters must have a university degree in linguistics or have the relevant foreign language as their first language, and they must command written and spoken Danish. Seventy seven per cent of the interpreters on the list are first language interpreters with no documentation of their skills in the foreign language. The Ministry of Justice does not require tests of the language skills of first language interpreters, nor are the qualifications of the interpreters assessed by a linguist. The study shows that the interpreters' language skills are assessed solely by local police officers in the police districts, who have no skills in the foreign languages. The study also shows that 112 interpreters are listed as having four or more foreign languages and dialects as their first language. A review of 42 applications for inclusion on the list of interpreters showed that only nine of the applications included all the information upon which the Danish National Police

decide whether an interpreter should be on the list. Sixteen of the applications included most of the required information, whereas information in the remaining 17 applications was inadequate.

The study shows that the departments and regions' supervision of the use of interpreters and quality of interpreter services is based entirely on following up complaints. At the same time, however, the study indicates that not all incidents of missing or inadequate interpreter services in the judiciary, asylum and healthcare systems are reported.

The departments and regions do not fully support the effort made by judges, case officers and physicians to meet their obligation and ensure that the citizens and foreigners understand, and are understood by, the authorities. Public officials in the judiciary and asylum systems have access only to information about the specific language category that an interpreter has been placed in, the interpreter's number, gender and contact details. The study shows that the Danish Immigration Service has acquired its own booking system. The system is based on the Danish National Police's list of interpreters, but it has been supplemented with information about the individual interpreters to facilitate the public officials' assessment of whether the interpreters are able to provide the required services. The study also shows that, in the healthcare system, selecting the interpreter with the appropriate qualifications is not the responsibility of the physician, who is responsible for ensuring that the interpreter has the necessary language skills. The public officials in the hospitals inform the interpreter agency of the services they require, but the agency selects the interpreters to provide the services.

A survey carried out by Rigsrevisionen in connection with the study showed that the users found the quality of interpreter services unsatisfactory in a number of areas. Judges, case officers, physicians and others often encounter interpreters who act unprofessionally and violate ethical principles of interpretation by being partial in their interpretation or failing to interpret all that is said, for instance.

The Danish Finance Act for 2018 includes an agreement to establish a certification scheme for language interpretation in the healthcare sector in order to achieve better and more consistent quality of interpretation. The possibilities of expanding such a scheme to cover other sectors will be considered. An assessment made by the legal adviser to the Danish government established that interpretation services must be tendered in accordance with the new Danish Public Procurement Act that took effect on 1 January 2016. The Ministry of Justice and the Ministry of Immigration and Integration have therefore launched a tender process with the purpose of improving the quality of interpretation services and the effectiveness of administration. Since their need for interpreter services is the same, it is Rigsrevisionen's assessment that a collaboration across the Ministry of Justice, the Ministry of Immigration and Integration and the Ministry of Health could offer potential benefits.

Therefore, Rigsrevisionen recommends:

- that the Ministry of Justice, the Ministry of Immigration and Integration, the Ministry of Health and the regions jointly, with the agreement made under the Finance Act for 2018 as point of departure, examine the possibilities of enhancing the interpreters' skills to meet the overall need for interpretations services. Such a step would support rule of law, the patient safety of citizens and foreigners and ensure cost-effective use of public funds.
- that the Ministry of Justice, the Ministry of Immigration and Integration, the Ministry of Health and the regions increase their collaboration based on their shared ambition to improve the quality of interpretation services and the effectiveness of administration. The departments and the regions should also consider inviting other authorities that use interpreters to join the collaboration like, for instance, the municipalities that use interpreters in the social sector.